

SEVENTY-FIRST CONGRESS and PROHIBITION

# CONGRESSIONAL DIGEST

WASHINGTON D.C.



The Pro and Con Monthly

MARCH, 1930

The Prohibition Reorganization Act

Resolutions to Amend the Eighteenth Amendment

The District of Columbia Enforcement Act

Pro and Con Discussion

*by*

Prominent Senators and Representatives

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Regular Departments



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# The Congressional Digest

## The Pro and Con Monthly

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# The Congressional Digest

March, 1930

Vol. 9 - No. 3

## LEGISLATIVE DEPARTMENT

THE PRO AND CON FEATURE    ACTION BY HOUSE AND SENATE    LEGISLATIVE NEWS ITEMS

### *Seventy-first Congress and Prohibition*

Federal and State Laws  
The Administrative Attitude

The Reorganization Act  
Modification Resolutions

#### Foreword

**I**N presenting the present status of the prohibition problem in Congress, the Digest is confining itself strictly to those measures dealing with this subject which are actually receiving consideration, either by one branch of Congress or the other or by committees of the two Houses.

First under consideration is the Prohibition Enforcement Reorganization Act of 1930 which has passed the House and is before the Senate Committee on the Judiciary. Its report by the committee and passage by the Senate at this session seems assured.

Next are the seven resolutions for the modification or repeal of the Eighteenth Amendment introduced in the House and referred to the Committee on the Judiciary, which has been holding hearings on them. It is not expected that any of these measures will be acted upon at this session.

Resolutions and bills calling for the modification of the Volstead Act to permit the use of "light wines and beers" are also before the House Committee on the Judiciary, but their serious consideration at this session is not expected.

In the Senate, in addition to the Reorganization Bill, are the bill of Senator Morris Sheppard, Tex., D., to make the buyer of illegal liquor equally responsible with the seller; the bill of Senator Robert B. Howell, Nebr., R., for a stricter enforcement law for the District of Columbia and the resolutions of Senator Norris, Nebr., R., and Wheeler, Mont., D., for an investigation by the Senate Committee on the Judiciary of the Prohibition Bureau of the Treasury.

Of these measures none is expected to be acted on at this session. Senator Sheppard takes the position that with the session drawing to a close it would be useless to attempt to obtain action on his bill. Senator Howell is cooperating with the Attorney General in working out a new bill for the District of Columbia and states that he wants the Department of Justice to have plenty of time. This bill is before the Committee on the District of Columbia.

The Committee on the Judiciary expects to hear officers of the Department of Justice and the Commission on Law Observance and Enforcement before acting on the Norris and Wheeler resolutions.

## Federal and State Prohibition Laws

### The Constitution of the United States

#### Article V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either

Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress.

#### The Eighteenth Amendment

*Section 1.* After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

*Sec. 2.* The Congress and the several States shall have

concurrent power to enforce this article by appropriate legislation.

*Sec. 3.* This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

### Legislative History of National Prohibition Laws

1876—The first proposal for amendment of the Federal Constitution to prohibit the traffic in intoxicating liquors was introduced in the House of Representatives December 27, 1876, by Hon. Henry W. Blair, of New Hampshire, who made a speech in support of it. It was re-introduced by him in each succeeding Congress during his service in the House. He introduced it in the Senate in the 49th Congress and it was favorably reported to the Senate by the Committee on Education and Labor.

In the Forty-third and successive Congresses great numbers of petitions from all parts of the country poured into Congress petitioning for the national prohibition amendment—petitions secured and presented by the Woman's Christian Temperance Union, the Independent Order of Good Templars, the National Temperance Society, and other organizations. In the 46th Congress Senator Plumb, of Kansas, and Representative L. W. Ballou, of Rhode Island, introduced a prohibitory constitutional amendment similar to the State Amendment of Kansas.

#### The Eighteenth Amendment

1913—On December 10, 1913, a Committee of One Thousand, organized by the Anti-Saloon League of America, together with a similar committee organized by the National Woman's Christian Temperance Union, formally and officially presented to the members of Congress the proposed resolution calling for a prohibition amendment to the Constitution of the United States. This proposed measure was delivered into the hands of United States Senator Morris Sheppard for introduction into the United States Senate and Congressman Richmond P. Hobson, for introduction into the national House of Representatives. The measure was introduced by Mr.

Hobson in the House of Representatives on December 11, 1913, and a similar resolution was introduced in the Senate by Senator Sheppard. The measure was referred to the Judiciary Committee in the House and to the Judiciary Committee in the Senate. The House Judiciary Committee reported the measure back to the House of Representatives without recommendations, thus placing on the calendar of the national House of Representatives for the first time in the history of the nation, a resolution calling for the submission of a national prohibition amendment to the legislatures of the several States.

1914—This bill remained on the House calendar over until the third session of the 63d Congress, which convened in December, 1914. On December 22, 1914, through the adoption of a special rule presented by the Rules Committee of the House of Representatives, the Hobson Joint Resolution came up as a special order, and after eight hours of debate, was placed on its final passage. All amendments presented in the interest of enemies of the measure were voted down by substantial majorities, a few minor amendments presented by Mr. Hobson on behalf of the friends of the measure were adopted, after which the final vote was taken, resulting in 197 votes in favor of the measure to 189 votes against it. Fifteen absentees were paired, ten in favor of the measure and five against it, while twenty-seven other members of the House did not vote. The resolution failed of passage, however, in view of the constitutional requirement of a two-thirds majority.

1915—Similar resolutions were introduced in the House of Representatives and the United States Senate during the 64th Congress, which convened in December, 1915. The resolution was presented in the Senate by Senator Morris Sheppard, of Texas, and by Senator J. H. Gallinger, of New Hampshire. In the House the



resolution was introduced by Representative Edwin Y. Webb, of North Carolina, and Representative A. T. Smith, of Idaho. These resolutions were referred to the Judiciary Committees of the Senate and House of Representatives.

1916—On December 14, 1916, the House Judiciary Committee, to which the resolution had been referred for consideration, reported the measure, recommending its passage by the House. The vote in the House Committee was 12 to 7. This measure was known as H. J. Res. No. 84.

On December 21, 1916, the Judiciary Committee of the Senate by a vote of 13 to 3 favorably reported the resolution after having made some changes. The measure was known as S. J. Res. No. 55.

1917—While these joint resolutions were thus favorably recommended for passage by both the Judiciary

Committee of the House and the Judiciary Committee of the Senate and recommended by those committees for passage in both houses.

The resolution was adopted by the Senate on August 1, 1917, by a vote of 65 to 20, and was adopted by the House of Representatives, with slight amendments on December 17, 1917, by a vote of 282 to 128. On December 18, 1917, the Senate voted to concur in the House Amendments, and the Joint Resolution submitting to the States the national prohibition amendment was thus finally adopted.

1919—After the submission of national prohibition the States immediately began to ratify it through their legislatures. Thirty-six States had ratified by January 20, 1919, and according to the provisions of the Act, it went into effect one year from that date. All of the States but two, Connecticut and Rhode Island, have now ratified the Eighteenth Amendment.

### Ratification of National Prohibition Amendment

The following table compiled from legislative journals shows the states ratifying the Eighteenth Amendment to the Constitution of the United States providing for national constitutional prohibition. It gives the order, date and vote by which their respective legislatures ratified the joint resolution of Congress proposing the amendment and shows whether at a regular or special session:

State—	Senate 1918	House 1918
1. Mississippi.....	Jan. 8, 29 to 5	Jan. 8, 93 to 3
2. Virginia.....	Jan. 10, 30 to 8	Jan. 11, 84 to 13
3. Kentucky.....	Jan. 14, 27 to 5	Jan. 14, 67 to 11
4. South Carolina.....	Jan. 18, 34 to 6	Jan. 23, 66 to 28
5. North Dakota.....	Jan. 23, 43 to 2	Jan. 24, 96 to 10
6. Maryland.....	Feb. 13, 18 to 7	Feb. 8, 58 to 36
7. Montana.....	Feb. 16, 34 to 2	Feb. 18, 79 to 7
8. Texas.....	Feb. 28, 15 to 7	Mar. 1, 73 to 36
9. Delaware.....	Mar. 18, 13 to 3	Mar. 14, 27 to 6
10. †South Dakota.....	Mar. 19, 43 to 0	Mar. 20, 86 to 0
11. Massachusetts.....	April 2, 27 to 12	Mar. 26, 145 to 91
12. Arizona.....	May 23, 18 to 0	May 24, 29 to 3
13. Georgia.....	June 26, 35 to 2	June 26, 129 to 24
14. Louisiana.....	Aug. 6, 21 to 20	Aug. 8, 69 to 41
15. Florida.....	Nov. 27, 25 to 2	Nov. 27, 61 to 3
16. *Michigan.....	Jan. 2, 30 to 0	Jan. 2, 88 to 3
17. Ohio.....	Jan. 7, 20 to 12	Jan. 7, 85 to 29
18. Oklahoma.....	Jan. 7, 43 to 0	Jan. 7, 90 to 8
19. Maine.....	Jan. 8, 29 to 0	Jan. 8, 120 to 22
20. †Idaho.....	Jan. 8, 38 to 0	Jan. 7, 62 to 0

21. West Virginia.....	Jan. 8, 26 to 0	Jan. 9, 81 to 3
22. †Washington.....	Jan. 13, 42 to 0	Jan. 13, 93 to 0
23. Tennessee.....	Jan. 8, 28 to 2	Jan. 13, 82 to 2
24. California.....	Jan. 10, 25 to 14	Jan. 13, 48 to 28
25. Indiana.....	Jan. 13, 41 to 6	Jan. 14, 87 to 11
26. Illinois.....	Jan. 8, 30 to 15	Jan. 14, 84 to 66
27. Arkansas.....	Jan. 14, 31 to 0	Jan. 13, 94 to 2
28. North Carolina.....	Jan. 10, 49 to 0	Jan. 14, 94 to 10
29. Alabama.....	Jan. 14, 23 to 11	Jan. 14, 64 to 34
30. †Kansas.....	Jan. 14, 39 to 0	Jan. 14, 121 to 0
31. Oregon.....	Jan. 15, 30 to 0	Jan. 14, 53 to 3
32. Iowa.....	Jan. 15, 42 to 7	Jan. 15, 86 to 13
33. †Utah.....	Jan. 15, 16 to 0	Jan. 14, 43 to 0
34. Colorado.....	Jan. 15, 34 to 1	Jan. 15, 60 to 2
35. New Hampshire.....	Jan. 15, 19 to 4	Jan. 15, 222 to 131
36. Nebraska.....	Jan. 14, 31 to 1	Jan. 16, 98 to 0
37. Missouri.....	Jan. 16, 22 to 10	Jan. 16, 104 to 36
38. †Wyoming.....	Jan. 16, 25 to 0	Jan. 16, 53 to 0
39. Wisconsin.....	Jan. 16, 19 to 11	Jan. 17, 58 to 39
40. Minnesota.....	Jan. 16, 48 to 11	Jan. 17, 92 to 36
41. New Mexico.....	Jan. 20, 12 to 4	Jan. 16, 45 to 1
42. Nevada.....	Jan. 21, 14 to 1	Jan. 20, 34 to 3
43. Vermont.....	Jan. 16, 24 to 4	Jan. 29, 155 to 58
44. New York.....	Jan. 29, 27 to 24	Jan. 23, 81 to 66
45. Pennsylvania.....	Feb. 25, 29 to 16	Feb. 4, 110 to 93
46. New Jersey.....	Mar. 7, 12 to 2	Mar. 9, 33 to 24

Total Senate vote... 1310 for, to 237 against—84.6% Dry.  
Total House vote... 3782 for, to 1035 against—78.5% Dry.

\* Reopened in House to correct error January, 1923.  
† Unanimous in both houses.

Extracts, see 1, p. 96.

### National Prohibition Enforcement Laws



THE Prohibition Enforcement Law, known as the Volstead Act, was passed by the Senate over President Wilson's veto by a vote of 65 to 20, on October 28, 1919. Under the provisions of this Enforcement Code, intoxicating liquor includes alcohol, brandy, whisky, rum, gin, beer, ale, porter and wine, and in addition thereto any other spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, or not, and by whatever name called containing one-half of

one per cent or more of alcohol by volume which are fit for use for beverage purposes.

On November 23, 1921, the President signed the Willis-Campbell Bill, supplemental to the Prohibition Enforcement Act. The main provisions of the bill are the prohibition of the use of beer or malt liquors for medicinal purposes, the extension of prohibition to Hawaii and the Virgin Islands, prohibition of the prescription of more than one-fourth of one gallon of vinous liquors within ten days, and the prohibition of more than 100 prescriptions

to a physician in three months, unless some extraordinary reason is given, and stops importation of spirituous and vinous liquors until the present supply is not sufficient to supply the current needs for non-beverage uses, and prevents search and seizure of a private dwelling without a search warrant.

Since the passage of the Volstead Act and the Willis-Campbell Bill, the following measures have been enacted by Congress to strengthen the act and aid enforcement.

1924—An act to authorize temporary increase of the Coast Guard for law enforcement. Signed by the President April 21, 1924.

1925—An act for the disposal of vehicles and vessels forfeited for violation of prohibition and laws. Signed by the President March 3, 1925.

Each year since the passage of the Prohibition Enforcement Act general appropriations for the enforcement of the law have been made.

1927—An Act coordinating divisions of the Customs Service and Internal Revenue Bureau and placing certain employees of the Bureau of Prohibition under the Civil Service. Approved by the President March 3, 1927.

1929—An Act (the Jones Act) providing that wherever penalties are prescribed in a Criminal Prosecution under the National Prohibition Act, for the illegal manufacture, sale, transportation, importation or exportation of intoxicating liquor, the penalty in each case shall be a fine of not to exceed \$10,000 or imprisonment not to exceed five years or both, "Provided, That it is the intent

of Congress that the Court, in imposing sentence hereunder, should discriminate between casual or slight violations and habitual sales of intoxicating liquor, or attempts to commercialize violations of the law."

The First Deficiency Act, carried the following provision, under authority of which the President appointed the Commission on Law Observance and Enforcement:

"For an additional amount for enforcement of the National Prohibition Act, including the same objects specified under this head in the Act making appropriations for the Treasury Department for the fiscal year 1930, fiscal years 1929 and 1930, \$1,719,654, of which not exceeding \$50,000 may be expended for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing and other necessary expenses in connection therewith.

"For the purposes of a thorough inquiry into the problem of the enforcement of prohibition under the provisions of the eighteenth amendment of the Constitution and laws enacted in pursuance thereof, together with the enforcement of other laws, \$250,000, or as much thereof as may be required, to be expended under authority and by direction of the President of the United States, who shall report the result of such investigation to the Congress, together with his recommendations with respect thereto. Said sum to be available for the fiscal years of 1929 and 1930 for each and every object of expenditure connected with such purposes notwithstanding the provisions of any other Act."

Approved March 4, 1929.

### Liquor Smuggling Treaties With Foreign Countries

Since the adoption of the Eighteenth Amendment treaties covering smuggling and liquor shipments have been entered into between the United States and the following nations:

Great Britain, Norway, Denmark, Germany, Sweden, Italy, Panama, The Netherlands, Canada, Spain, France, Cuba, Mexico, Belgium, Greece and Japan.

### State Action on Prohibition



THE first state-wide referendum on prohibition was taken in 1851. From that time the agitation continued, culminating in state-wide prohibition in thirty-three states before the Eighteenth Amendment to the Constitution of the United States went into effect on January 16, 1920. In other states so much of the territory was dry that in the nation as a whole 95 per cent of the territory containing 68 per cent of the population was under either state or local prohibition by that time.

Kansas  
Maine  
North Dakota  
Oklahoma  
North Carolina  
West Virginia  
Arizona  
Georgia

Iowa  
Colorado  
Oregon  
Virginia  
Washington  
Idaho  
South Carolina  
Mississippi

Indiana  
Michigan  
Montana  
Nebraska  
South Dakota  
New Mexico  
Utah  
Tennessee

Alabama  
Florida  
Nevada

Texas  
Wyoming  
Ohio

Kentucky  
Arkansas  
New Hampshire

The States are listed in the order in which the referendum was submitted to the voters.

The Territories of Alaska and Porto Rico adopted prohibition by referendum.

The Territory of Hawaii adopted prohibition by act of legislature, the District of Columbia by Act of Congress.

Forty-seven states have enacted codes to enforce national prohibition. New York repealed its enforcement law in 1923, Montana in 1926, Wisconsin in 1929; and in 1923 the Supreme Court of Nevada declared that the state enforcement act was unconstitutional.

Maryland never adopted a state enforcement law.

### State-Wide Referenda Since 1919

#### California

1920—November 2, Referendum on Harris Act, a proposed State code to enforce the Eighteenth Amendment to the United States Constitution. 465,537, against; 400,-

475, for; 65,062, majority against (Official figures).

1922—November 7, Referendum on the Wright Act, a State code to enforce the Eighteenth Amendment to the United States Constitution. 445,076, for; 411,133,

against; 33,943, majority for. (Official figures.)

1926—November 2, Initiated measure to repeal the Wright Act, the State code to enforce the Eighteenth Amendment to the United States Constitution. 565,875, against; 502,258, for; 63,617, majority against. (Official figures.)

#### Colorado

1926—November 2, Initiated Amendment to State Constitution to enable the Legislature to provide for the manufacture, importation and sale of intoxicating liquors by and through the State, for personal or domestic use; such amendment to be inoperative as long as in conflict with the laws of the United States, 154,672, against; 107,749, for; 46,923, majority against. (Official figures.)

#### Kentucky

1919—November 4, Prohibition Amendment to the State Constitution. 208,755, for; 198,038, against; 10,717, majority for. (Official figures.)

#### Massachusetts

1920—November 2, An act to regulate the manufacture and sale of beer, cider and light wines, 442,215, for; 432,951, against; 9,264, majority for. (Official figures.)

1922—November 7, An act to carry into effect, so far as the Commonwealth of Massachusetts is concerned, the Eighteenth Amendment to the Constitution of the United States. 427,840, against; 323,964, for; 103,876, majority against. (Official figures.)

1924—November 4, An Act to prohibit the manufacture, transportation, importation or exportation of intoxicating liquor as defined by law, or certain non-intoxicating beverages, unless there shall have been obtained the permit required by the law of the United States. 454,656, for; 446,473, against; 8,183, majority for. (Official figures.)

#### Michigan

1919—April 7, Amendment to the State Constitution to allow the manufacture and sale of vinous and malt liquors, 530,123, against; 322,603, for; 207,520 majority against. (Official figures.)

#### Missouri

1920—November 2, State-wide Prohibition Law, 481,880, for; 420,581, against; 61,299 majority for. (Official figures.)

1926—November 2, Repeal of the State-Wide Prohibition Law. 569,931, against; 294,388, for; 275,543, majority against. (Official figures.)

#### Montana

1926—November 2, Initiated measure to repeal all state enforcement laws. 83,231, for; 72,982, against; 10,249, majority for. (Official figures.)

1928—November 6, Initiated measure to re-enact the enforcement laws. 80,619, against; 68,431, for; 12,188, majority against. (Official figures.)

#### North Dakota

1928—June 27, Repeal of State Prohibition Law. (Initiated). 103,696, against; 96,837, for; 6,859, majority against. (Official figures.)

#### Ohio

1919—November 4, Initiated measure providing for the manufacture and sale of 2.75% liquor. 504,688, against; 474,907, for; 29,781, majority against. (Official figures.)

1919—November 4, Repeal of Prohibition Amendment to the State Constitution, 496,786, against; 454,933, for; 41,853, majority against. (Official figures.)

1919—November 4, Approval of State Prohibition Enforcement Act. 500,312, against; 474,078, for; 26,234, majority against. (Official figures.)

1919—November 4, Referendum on action of the Legislature in ratifying the Eighteenth Amendment. 500,450, against; 499,871, for; 479, majority against. (Official figures.)

Note: The United States Supreme Court held the referendum ineffective. *Hawke v. Smith*, 253 U. S. 221.

1920—November 2, Approval of State Prohibition Enforcement Act. 1,062,470, for; 772,329, against; 290,141, majority for. (Official figures.)

1922—November 7, Amendment to State Constitution to legalize 2.75% beer. (Initiated.) 908,522, against; 719,050, for; 189,472, majority against. (Official figures.)

#### South Dakota

1920—November 2, Amendments to strengthen the Prohibition Enforcement Laws. 87,986, against; 75,870, for; 12,116, majority against. (Official figures.)

1922—November 7—Repeal of the State Sheriff Law. (State enforcement officer.) 94,241, against; 64,221, for; 30,020, majority against. (Official figures.)

#### Texas

1919—May 24, Prohibition Amendment to the State Constitution, 159,723, for; 140,099, against; 19,624, majority for.

#### Wisconsin

1920—November 2, Ratification of the Mulberger Act for Prohibition. 419,309, for; 199,876, against; 219,433, majority for. (Official figures.)

The people of the following States have voted thirteen times in an advisory capacity to the Legislature or in some other way, not legally binding, upon some phase of the Prohibition question. Wherever official figures could be obtained they are given and so indicated. Where official records were not kept, the best available authority is followed.

#### Illinois

1922—November 7, Referendum initiated by petition submitting the following question:

"Shall the existing State and Federal prohibitory laws be modified so as to permit the manufacture, sale and transportation of beer (containing less than 4 per cent by volume of alcohol) and light wines and beer for home consumption?" 1,165,242, for; 512,111, against; 553,131, majority for. (Official figures.)

1926—November 2, Referendum initiated by petition submitting the following question:

"Should the Congress of the United States modify the Federal Act to enforce the Eighteenth Amendment to the Constitution of the United States so that the same shall not prohibit the manufacture, sale, transportation, importation or exportation of beverages which are not in fact

*Continued on page 96*



## *The Hoover Administration and the Prohibition Enforcement Problem*

Official Statements by the President, the Secretary of the Treasury and the Attorney General

### President Hoover's Speech of Acceptance, Palo Alto, Calif., Aug. 11, 1928

**R**ECENTLY stated my position upon the Eighteenth Amendment, which I again repeat:

"I do not favor the repeal of the Eighteenth Amendment. I stand for the efficient enforcement of the laws enacted thereunder.

"Our country has deliberately undertaken a great social and economic experiment, noble in motive and far-reaching in purpose. It must be worked out constructively."

Common sense compels us to realize that grave abuses have occurred—abuses which must be remedied. An organized searching investigation of fact and causes can alone determine the wise method of correcting them. Crime and disobedience of law cannot be permitted to break down the Constitution and laws of the United States.

Modification of the enforcement laws which would per-

mit that which the Constitution forbids is nullification. This the American people will not countenance. Change in the Constitution can and must be brought about only by the straightforward methods provided in the Constitution itself. There are those who do not believe in the purposes of several provisions of the Constitution. No one denies their right to seek to amend it. They are not subject to criticism for asserting that right. But the Republican party does deny the right of anyone to seek to destroy the purposes of the Constitution by indirection.

Whoever is elected President takes an oath not only to faithfully execute the office of the President, but that oath provides still further that he will, to the best of his ability, preserve, protect and defend the Constitution of the United States. I should be untrue to these great traditions, untrue to my oath of office, were I to declare otherwise.

### President Hoover's Inaugural Address, Washington, D. C., March 4, 1929

**T**HE strong man must at all times be alert to the attack of insidious disease. The most malign of all these dangers today is disregard and disobedience of law. Crime is increasing. Confidence in rigid and speedy justice is decreasing. I am not prepared to believe that this indicates any decay in the moral fibre of the American people. I am not prepared to believe that it indicates an impotence of the Federal Government to enforce its laws.

It is only in part due to the additional burdens imposed upon our judicial system by the Eighteenth Amendment. The problem is much wider than that. Many influences had increasingly complicated and weakened our law enforcement organization long before the adoption of the Eighteenth Amendment.

To re-establish the vigor and effectiveness of law enforcement we must critically consider the entire federal machinery of justice, the redistribution of its functions, the simplification of its procedure, the provision of addi-

tional special tribunals, the better selection of juries, and the more effective organization of our agencies of investigation and prosecution that justice may be sure and that it may be swift. While the authority of the Federal Government extends to but part of our vast system of national, state and local justice, yet the standards which the Federal Government establishes have the most profound influence upon the whole structure.

We are fortunate in the ability and integrity of our Federal Judges and Attorneys. But the system which these officers are called upon to administer is in many respects ill-adapted to present-day conditions. Its intricate and involved rules of procedure have become the refuge of both big and little criminals. There is a belief abroad that by invoking technicalities, subterfuge and delay the ends of justice may be thwarted by those who can pay the cost.

Reform, reorganization and strengthening of our whole judicial and enforcement system both in civil and crimi-



nal sides have been advocated for years by statesmen, judges and bar associations. First steps toward that end should not longer be delayed. Rigid and expeditious justice is the first safeguard of freedom, the basis of all ordered liberty, the vital force of progress. It must not come to be in our republic that it can be defeated by the indifference of the citizen, by exploitation of the delays and entanglements of the law, or by combinations of criminals. Justice must not fail because the agencies of enforcement are either delinquent or inefficiently organized. To consider these evils, to find their remedy, is the most sore necessity of our times.

Of the undoubted abuses which have grown up under the Eighteenth Amendment, part are due to the causes I have just mentioned; but part are due to the failure of some states to accept their share of responsibility for concurrent enforcement and to the failure of many state and local officials to accept the obligation under their oath of office zealously to enforce the laws. With the failures from these many causes has come a dangerous expansion in the criminal elements who have found enlarged opportunities in dealing in illegal liquor.

But a large responsibility rests directly upon our citizens. There would be little traffic in illegal liquor if only criminals patronized it. We must awake to the fact that this patronage from large numbers of law-abiding citizens is supplying the rewards and stimulating crime.

I have been selected by you to execute and enforce the laws of the country. I propose to do so to the extent of my own abilities, but the measure of success that the Government shall attain will depend upon the moral support which you, as citizens, extend. The duty of citizens to support the laws of the land is co-equal with the duty

of their government to enforce the laws which exist. No greater national service can be given by men and women of good will—who, I know, are not unmindful of the responsibilities of citizenship—than that they should, by their example, assist in stamping out crime and outlawry by refusing participation in and condemning all transactions with illegal liquor. Our whole system of self-government will crumble either if officials elect what laws they will enforce or citizens elect what laws they will support. The worst evil of disregard for some law is that it destroys respect for all law. For our citizens to patronize the violation of a particular law on the ground that they are opposed to it is destructive of the very basis of all that protection of life, of homes and property which they rightly claim under other laws. If citizens do not like a law, their duty as honest men and women is to discourage its violation; their right is openly to work for its repeal.

To those of criminal mind there can be no appeal but vigorous enforcement of the law. Fortunately they are but a small percentage of our people. Their activities must be stopped.

I propose to appoint a national commission for a searching investigation of the whole structure of our Federal system of jurisprudence, to include the method of enforcement of the Eighteenth Amendment and the causes of abuse under it. Its purpose will be to make such recommendations for reorganization of the administration of Federal laws and court procedure as may be found desirable. In the meantime it is essential that a large part of the enforcement activities be transferred from the Treasury Department to the Department of Justice as a beginning of more effective organization.

## President Hoover's Speech Before The Associated Press, New York, Apr. 22, 1929



**S**URPRISING number of our people, otherwise of responsibility in the community, have drifted into the extraordinary notion that laws are made for those who choose to obey them. And in addition, our law-enforcement machinery is suffering from many infirmities arising out of its technicalities, its circumlocutions, its involved procedures, and too often, I regret, from inefficient and delinquent officials.

In order to dispel certain illusions in the public mind on this subject, let me say at once that while violations of law have been increased by inclusion of crimes under the Eighteenth Amendment and by the vast sums that are poured into the hands of the criminal classes by the patronage of illicit liquor by otherwise responsible citizens, yet this is but one segment of our problem. I have purposely cited the extent of murder, burglary, robbery, forgery, and embezzlement, for but a small percentage of these can be attributed to the Eighteenth Amendment. In fact, of the total number of convictions for felony last year less than eight per cent came from that source. It is therefore but a sector of the invasion of lawlessness.

What we are facing today is something far larger and more fundamental—the possibility that respect for law as law is fading from the sensibilities of our people. Whatever the value of any law may be, the enforcement

of that law written in plain terms upon our statute books is not, in my mind a debatable question. Law should be observed and must be enforced until it is repealed by the proper processes of our democracy. The duty to enforce the laws rests upon every public official and the duty to obey it rests upon every citizen.

No individual has the right to determine what law shall be obeyed and what law shall not be enforced. If a law is wrong, its rigid enforcement is the surest guaranty of its repeal. If it is right, its enforcement is the quickest method of compelling respect for it. I have seen statements published within a few days encouraging citizens to defy a law because that particular journal did not approve of the law itself. I leave comment on such an attitude to any citizen with a sense of responsibility to his country.

Respect for law and obedience to law does not distinguish between Federal and State laws—it is a common conscience.

It is unnecessary for me to argue the fact that the very essence of freedom is obedience to law; that liberty itself has but one foundation, and that is in the law.

And in conclusion let me recall an oft-repeated word from Abraham Lincoln, whose invisible presence lives hourly at the very desk and in the very halls which it is my honor to occupy:

"Let every man remember that to violate the law is to trample on the blood of his father, and to tear the character of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap. Let it be taught in the schools, in seminaries, in colleges. Let

it be preached from the pulpit, proclaimed in the legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the nation and let the old and the young, the rich and the poor, the grave and the gay of all sexes and tongues and colors and conditions sacrifice unceasingly upon its altar."

### President Hoover's Message to Congress, June 6, 1929

**I**N ORDER to secure the utmost expedition in the reorganization and concentration of responsibility in administration of the Federal bureaus connected with prohibition enforcement, so greatly needed to improve their effectiveness, I recommend that the Congress appoint a joint select committee to make an immediate study of these matters and to formulate recommendations for consideration at the next regular session.

I shall be glad to appoint a committee from the Departments to cooperate with such a committee of the Congress. The National Commission on Law Observance

and Enforcement will also cooperate through their studies of the departmental organization.

The subject involves the transfer of parts of various bureaus and agencies from certain Departments to others and it includes as well the necessity for the unification and strengthening of our border patrols both in connection with prohibition and illegal entry of aliens. As the question embraces numerous laws and regulations in several bureaus, it will require extensive consideration which if given jointly by such committees of the Congress and the Departments prior to the regular session will save many months of delay.

### President Hoover's Annual Message to Congress, December 3, 1929

**T**HE first duty of the President under his oath of office is to secure the enforcement of the laws. The enforcement of the laws enacted to give effect to the Eighteenth Amendment is far from satisfactory and this is in part due to the inadequate organization of the administrative agencies of the Federal Government. With the hope of expediting such reorganization, I requested on June 6 last that Congress should appoint a joint committee to collaborate with executive agencies in preparation of legislation. It would be helpful if it could be so appointed. The subject has been earnestly considered by the Law Enforcement Commission and the administrative officials of the Government. Our joint conclusions are that certain steps should be taken at once. First, there should be an immediate concentration of responsibility and strengthening of enforcement agencies of the Federal Government by transfer to the Department of Justice of the Federal functions of detection and to a considerable degree of prosecution, which are now lodged in the Prohibition Bureau in the Treasury; and at the same time the control of the distribution of industrial alcohol and legalized beverages should remain in the Treasury. Second, provision should be made for relief of congestion in the Federal courts by modifying and simplifying the procedure for dealing with the large volume of petty prosecutions under various Federal acts. Third, there should

be a codification of the laws relating to prohibition to avoid the necessity which now exists of resorting to more than 25 statutes enacted at various times over 40 years. Technical defects in these statutes that have been disclosed should be cured. I would add to these recommendations the desirability of reorganizing the various services engaged in the prevention of smuggling into one border patrol under the Coast Guard. Further recommendations upon the subject as a whole will be developed after further examination by the Law Enforcement Commission, but it is not to be expected that any criminal law will ever be fully enforced so long as criminals exist.

The District of Columbia should be the model of city law enforcement in the nation. While conditions here are much better than in many other cities, they are far from perfect, and this is due in part to the congestion of criminal cases in the Supreme Court of the District, resulting in long delays. Furthermore, there is need for legislation in the District supplementing the National Prohibition Act, more sharply defining and enlarging the duties and powers of the District Commissioners and the police of the District, and opening the way for better cooperation in the enforcement of prohibition between the District officials and the prohibition officers of the Federal Government. It is urgent that these conditions be remedied.

### President Hoover Transmits to Congress the Report of the Commission on Law Observance and Enforcement, Jan. 13, 1930.

**A**FTER exhaustive examination of the subject, the Commission on Law Observance and Enforcement and the officials of the Department of Justice and of the Treasury Department unite in the conclusion that the increasing enactment of Federal criminal laws over the past twenty

years, as to which violation of the prohibition laws comprises rather more than one-half of the total arrests, has finally culminated in a burden upon the Federal courts of a character for which they are ill-designed, and in many cases entirely beyond their capacity. The result is to delay civil causes, and of even more importance, the

defeat of both justice and law enforcement. Moreover, experience shows division of authority, responsibility, and lack of fundamental organization in Federal enforcement agencies and oftentimes results in ineffective action.

While some sections of the American people may disagree upon the merits of some of the questions involved, every responsible citizen supports the fundamental principle that the law of the land must be enforced.

The development of the facts shows the necessity for certain important and evident administrative reforms in the enforcement and judicial machinery, concrete proposals for which are available from Government departments. They are in the main:

1. Reorganization of the Federal court structure so as to give relief from congestion.
2. Concentration of responsibility in detection and prosecution of prohibition violations.
3. Consolidation of the various agencies engaged in prevention of smuggling of liquor, narcotics, other

merchandise, and aliens over our frontiers.

4. Provision of adequate court and prosecuting officials.

5. Expansion of Federal prisons and reorganization of parole and other practices.

6. Specific legislation for the District of Columbia.

I believe the administrative changes mentioned above will contribute to cure many abuses. Beyond these immediate questions are others which reach deeply into the whole question of the growth of crime and the enforcement of the laws. The causes of crime, the character of criminal laws, the benefits and liabilities that flow from them, the abuses which arise under them, the method by which enforcement and judicial personnel is secured, the judicial procedure, the respective responsibility of the Federal and State Governments to these problems, all require further most exhaustive consideration and investigation, which will require time and earnest research as to the facts and forces in action before sound opinions can be arrived at upon them.

### Prohibition Reorganization Act of 1930

*With the approval of the Treasury and the Department of Justice, Representative William Williamson, S. D., R., on January 14, 1930, introduced H. R. 8574, the Prohibition Reorganization Act of 1930. This measure carries out the recommendations of the Administration that the Prohibition Enforcement machinery be transferred from the Treasury to the Department of Justice.*

*The Williamson Bill was reported by the House Committee on Expenditures in the Executive Departments on February 3, 1930, and was passed by the House on February 8. It was referred to the Senate Committee on the Judiciary.*



It enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Prohibition Reorganization Act of 1930."

SEC. 2. (a) There shall be in the Department of Justice a Bureau of Prohibition, at the head of which shall be a Director of Prohibition. The Director of Prohibition shall be appointed by the Attorney General, without regard to the civil service laws, and shall receive a salary at the rate of \$9,000 per annum.

(b) The Attorney General is authorized to appoint, without regard to the civil service laws, an Assistant Director of Prohibition and such attorneys as he deems necessary and, in accordance with the competitive provisions of the civil service laws, such other officers and employees as he deems necessary. The salaries of the Assistant Director and of all such attorneys, officers, and employees shall be fixed in accordance with the Classification Act of 1923, as amended (United States Code, title 5, chapter 13; United States Code, Supplement III, title 5, chapter 13).

(c) The Attorney General is authorized to designate any officer or employee of the Department of Justice to act as Director of Prohibition during the absence or disability of the Director of Prohibition, or in the event that there is no Director of Prohibition.

(d) The personnel of the Bureau of Prohibition shall perform such duties, in the District of Columbia or elsewhere, as the Attorney General shall prescribe.

SEC. 3 (a) All attorneys, officers, and employees of the enforcement division of the Bureau of Prohibition in the Treasury Department are hereby transferred, without change in classification or compensation, to the Bureau of Prohibition in the Department of Justice, but such attorneys shall not be subject to the provisions of the civil service laws: *Provided*, That all officers and

employees of the Bureau of Prohibition who the Attorney General finds have heretofore violated or shall hereafter violate any penal provisions of the Federal prohibition laws shall be dismissed.

(b) All records, files, and property (including office equipment) of the enforcement division of the Bureau of Prohibition, and the portion of the unexpended appropriations for the Bureau of Prohibition in the Treasury Department apportioned for the use of such enforcement division, are transferred to the Bureau of Prohibition in the Department of Justice.

(c) Appropriations transferred by this Act shall be available for expenditure by the bureau to which they are transferred as if such bureau had been named in the Act making the appropriations.

SEC. 4. (a) The following duties are imposed upon the Attorney General:

(1) The investigation of violations of the National Prohibition Act, and violations of the internal revenue laws if a violation of such Act is involved, for the purpose of enforcing the penal provisions thereof;

(2) The apprehension and prosecution of offenders against such Act;

(3) The making of all seizures and enforcement of all forfeitures under such Act, or under the internal revenue laws if a violation of such Act is involved; and the remission or mitigation under section 709 of the Revenue Act of 1928 (United States Code, Supplement III, title 26, section 2709), of any such forfeiture under the internal revenue laws; and

(4) The determination of liability for internal revenue taxes and penalties if a violation of the National Prohibition Act is involved, and the institution of suits upon, and compromise (before or after suit is brought) of, any cause of action under such Act or under the internal revenue laws if a violation of such Act is involved; but



all assessments and collections shall be made under the direction of the Secretary of the Treasury, in accordance with existing law.

(b) The duty to make all investigations necessary in or incidental to administrative action with respect to permits and bonds given in connection therewith shall remain with the Secretary of the Treasury, but the Attorney General shall make such investigations as he deems necessary to prevent violations of, or for the purpose of enforcing the penal provisions of, the National Prohibition Act.

(c) The power under section 34 of Title II of the National Prohibition Act (United States Code, title 27, section 51) to require copies of records and reports, the power to inspect records and reports kept or filed under the provisions of such Act, the power to swear out warrants for offenders against such Act, and the power and protection of section 28 of Title II of such Act (United States Code, title 27, section 45), are conferred upon the Attorney General, but such powers and protection shall also remain vested in the Secretary of the Treasury. All other rights, privileges, powers, and duties now conferred and imposed upon the Secretary of the Treasury and the officers and employees of the Bureau of Prohibition in the Treasury Department incident to the performance of the duties imposed upon the Attorney General by this Act, including the bringing of suits to enjoin nuisances under the National Prohibition Act, are transferred to and conferred and imposed upon the Attorney General.

(d) The Attorney General is authorized to confer or impose any of the rights, privileges, protection, powers, and duties conferred or imposed upon him by this Act upon any of the officers or employees of the Bureau of Prohibition or any other officer or employee of the Department of Justice.

SEC. 5. (a) The Attorney General and the Secretary of the Treasury shall jointly prescribe all regulations under this Act and the National Prohibition Act relating to permits, and the form of all applications, bonds, permits, records, and reports under such Acts: *Provided*, That all regulations relating to the Bureau of Prohibition in the Department of Justice shall be made by the Attorney General.

(b) Regulations in force prior to the effective date of this Act shall not be in force thereafter unless prescribed and issued in accordance with the provisions of paragraph (a) of this section; but the repeal of such

regulations shall not have the effect of releasing or extinguishing any penalty, forfeiture, or liability incurred thereunder. Nothing in this Act shall affect the terms or conditions of any permit or bond given prior to the effective date of this Act.

SEC. 6. (a) The Attorney General shall prescribe regulations for the filing by the Attorney General with the Secretary of the Treasury copies of reports of violations of the National Prohibition Act, from which civil liability for taxes and penalties has accrued under such Act or the internal revenue laws, or which may be the basis of action with respect to any permit.

(b) Except as otherwise provided by regulations, the Secretary of the Treasury shall file with the Attorney General complete reports of all proceedings for revocation of permits and copies of all applications for permits to be issued for more than ninety days (including renewals and amendments thereof to extend for more than ninety days) under the National Prohibition Act and regulations promulgated thereunder; and, except as otherwise provided by regulations, no such permit shall be granted, renewed, or amended within ten days after copy of application therefor has been filed with the Attorney General.

SEC. 7. The Attorney General may, if he considers it advisable, act jointly with the Secretary of the Treasury in passing upon any application for any permit or any renewal or amendment thereof, which may be issued under the National Prohibition Act, and in such cases no permit shall be granted, renewed, or amended without their joint approval. In the event of a refusal of the permit, renewal, or amendment, the applicant may have a review of the decision before a court of equity as provided in sections 5 and 6, Title II, of the National Prohibition Act (United States Code, title 27, sections 14 and 16).

SEC. 8. The Bureau of Prohibition in the Treasury Department shall hereafter be known as the Bureau of Industrial Alcohol, and the Commissioner of Prohibition in the Treasury Department shall hereafter have the title of Commissioner of Industrial Alcohol.

SEC. 9. When used in this Act, the term "National Prohibition Act" means the National Prohibition Act of October 28, 1919, and all Acts amendatory thereof or supplementary thereto, and includes any Act for the enforcement of the eighteenth amendment.

SEC. 10. This Act shall take effect on the first day of the second month after its approval.

### Statement of Secretary Mellon



THE bill under consideration, H. R. 8574, meets with the approval of the Treasury Department. Prohibition enforcement is unrelated to the duties of the fiscal agency, and to the purposes for which that department was created. It is an anomaly that law violations are investigated and prepared by agencies entirely disconnected with, and not answerable to those which are to prosecute them. There is a very sound basis for charging the Department of Justice with the law enforcement task.

The regulatory functions, such as the issue of permits which it is proposed to leave in the Treasury Depart-

ment, do not fall within the jurisdiction and duties of the Department of Justice. There is no adequate reason for removing them unless it can be shown that they logically belong elsewhere. From an administrative standpoint, the collection of taxes is made somewhat easier by leaving the Bureau of Narcotics and Industrial Alcohol in the Treasury Department. By providing a full measure of joint control, the bill meets objections that industrial alcohol and medicinal spirits constitute a potential source of supply for illegal beverages and that, as such, should be within control of the law enforcement agency.



### Statement of James M. Doran, Commissioner of Prohibition



HE bill under consideration outlines a very logical division of functions, driving a line between law enforcement activities, such as detection, investigation, and prosecution, and certain administrative or regulatory functions, such as supervision and control of the permit system under the Eighteenth Amendment. The Attorney General is granted a joint power which he may exercise to suggest any changes in Treasury Department regulations in the Prohibition Bureau that seem to him wise and proper, thus enabling him best to carry out his duties. It makes no change in substantive law and is recommended for passage.

There has been the fullest cooperation at all times between the Department of Justice and the Prohibition Bureau. However, the enforcement of the prohibitory laws is a vast and complex matter. The proposed transfer will give the prosecuting officer a closer tie-up with the case from its inception, and it seems that that will

be a more effective way to handle prosecutions.

Peremptory, definite, and binding instructions to prevent violation of prohibitory laws by prohibition agents themselves have been issued, and the bureau does not fail to take action where there is proved violation of the law by one of its personnel. Prohibition officials, however, can not be held responsible for violation of the sanctity of the home by sheriffs, deputy sheriffs, constables, and policemen all over the United States.

There is no statute that would prevent the Prohibition Commissioner from furnishing to a Member of Congress information on withdrawals of industrial alcohol. If Congress desires a full publication of the intimate details of all business and professional concerns they should so state in the statute and not leave it to an administrative officer. It would be wrong for a Government official to divulge such information unless violation of the law is alleged.

### Statement of Attorney General Mitchell



N a general way, as expressed in a letter addressed to the President by the Attorney General, the pending bill (H. R. 8574), is favored substantially as written. The Attorney General is also in accord with the recommendations made by Secretary Mellon and the reasons he gave for them.

The functions that are left behind in the Treasury by this bill are purely administrative. As a matter of principle, the idea that every function related to prohibition should be transferred to the Department of Justice does not seem to be sound. There is no reason to doubt that the two departments will cooperate fully.

The bill does not contemplate that the Department of Justice shall investigate every permittee. It places in that department a force of men who have nothing to do with permits, and who are at liberty to go their own way and detect violations of the law whether public officials are involved or not. A substantial opportunity to protect its own operations is given by a joint voice in the matter of granting permits. In self-defense the department must use this power to safeguard its own interests, though its decision is subject to judicial review. The big point is that by giving United States attorneys a detective force it is intended to bring about the same sort of cooperation and direct responsibility that is now had with the Bureau of Investigation and the United States Attorneys. The situation with regard to Federal courts will be improved.

The Department of Justice will be responsible for any

laxity in investigation and prosecution of offenses, and the burden of making a complete case and procuring conviction will be in that department. The Department of Justice is given power to prescribe regulations jointly with the Treasury Department, and the power to veto the granting of any permit.

There are a good many things under this act that would have to be carried out administratively. The Treasury Department is now engaged in setting up an enforcement division as named in the bill. It is the idea of the head of the Department of Justice that those attorneys in the Prohibition Unit not retained in the Treasury Department would be absorbed as assistant United States attorneys. This group has never been under civil service, and it is thought inadvisable to put them there. The transfer of any attorney who did not wish to leave the civil service would not be compelled.

The Department of Justice stands for lawful methods of enforcement, and always has. Men who abuse governmental powers are not wanted in the service anywhere. It is not believed that legislation of this kind should be dealt with and functions transferred around from one department to another on account of the personalities of officers who hold their places only for the time being. In a letter outlining the views of the Attorney General it is stated that the habitual use of liquor and opposition to prohibition are very definite handicaps to appointment or reappointment to positions in the Department of Justice having to do with prosecutions under the National Prohibition Act.

### Statement of Assistant Attorney General Youngquist



HE Department of Justice recommends passage of the pending measure, H. R. 8574. The prosecution activities and the detection and apprehension activities under the laws passed to make effective the Eighteenth Amendment are at present entirely separate and apart. It is thought best, in order to secure greater cooperation and

coordination between the two activities, to vest administration in one department in order that the head of that department may have control of both. The logical and natural place for enforcement activities is in the Department of Justice.

There is no inclination on the part of the Department of Justice to evade responsibility in favoring that section

of the bill which would allow the Bureau of Narcotics and Industrial Alcohol to remain in the Treasury Department. The present activities of the Bureau of Prohibition fall naturally into two classes. The permissive side is purely administrative and technical. The investigation side is primarily law enforcement. The Department of Justice is not equipped to take over any more than the enforcement activities, and, as a matter of general governmental policy, it seems inadvisable to attach to the Department of Justice the technical and scientific work that is entailed in the administration of the permit system.

The pending bill vests in the Attorney General the power to veto any permit issued by the Treasury Department, and places responsibility for the enforcement of criminal and penal provisions of the law specifically on the Department of Justice, so that the Treasury Department can not be blamed if investigations are not properly

made. In the largest number of permit cases there would be no necessity for joint action. The Department of Justice should be left to exercise its own judgment as to which applications for permits it should investigate. The enforcement of the criminal laws is a considerable task and the Department of Justice will take all necessary steps to prevent its being made more difficult just by the granting of improper permits.

The practice of the Department of Justice has been to have no attorneys under the civil service. The removal of the Bureau of Prohibition to that department will serve to take out of the civil service those attorneys who are transferred. The larger part of the attorneys in the Prohibition Bureau, however, will remain in the Treasury Department as a part of the Bureau of Narcotics and Industrial Alcohol.

### Committee Majority Report

**I**NASMUCH as the Attorney General will be charged with full responsibility for the enforcement of prohibition under the act, it was thought that he should have a veto power in the matter of granting permits, which function now rests exclusively with the Secretary of the Treasury. This is accomplished by providing that the Attorney General and the Secretary of the Treasury shall jointly prescribe the necessary regulations for the classification and issuance of permits. Except as otherwise provided by regulations, the Secretary of the Treasury is required to file with the Attorney General complete copies of all applications for permits, including renewals and amendments. No permit may issue within 10 days of such filing without the consent of the Attorney General. As to all applications so filed, the Attorney General

may act jointly with the Secretary of the Treasury and in every such case no permit shall issue without their joint approval. This gives the Attorney General a veto upon the issuance of a permit to any applicant of which he does not approve, subject to the right of the applicant to appeal to a court of equity as provided by sections 5 and 6, Title II, of the national prohibition act. (U. S. C., title 27, secs. 14 and 16.) The bill does not contemplate that the Attorney General shall investigate every application for a permit. The total number issued annually is in the neighborhood of 155,000. As to most of these, no question of diversion occurs. There are, however, certain classes and types of permittees that have come under suspicion. These will be segregated from the known law-abiding permittees and be investigated by the Attorney General before permits are issued.—*Extracts, see 3, p. 96.*

### Committee Minority Report

**W**E concur in all of the provisions of the bill as reported by the committee, save and except the provisions of section 5 (a) thereof, which vest joint authority in both the Attorney General and the Secretary of the Treasury in connection with the issuance of permits for the manufacture and distribution of industrial and other alcohol.

We do not approve this joint authority for the reason that no effective enforcement of the law can be obtained with two departments having joint authority to deal with any part or portion thereof.

We firmly believe that the enforcement of the national prohibition laws and all matters relating thereto properly

lies in the Department of Justice; that this joint authority will promote friction and the assumption by one department that the other will do all things necessary in connection with the joint authority prescribed and will permit a continuation of the present lax enforcement. Further, it will permit one department to charge the other with responsibility for all resulting laxity of enforcement, and the public will not be able to hold either department responsible.

We are firmly convinced that the illegal diversion of industrial and other alcohol under the existing enforcement provisions, with dual responsibility, has caused the present deplorable conditions in the enforcement of the prohibition laws.—*Extracts, see 3, p. 96.*

## Shall Liquor Permits be Subject to Joint Departmental Authority?

Pro

HON. WILLIAM WILLIAMSON,  
U. S. Representative, South Dakota, Republican



WHOLESALE and retail druggists, as well as other users of industrial and medicinal alcohol, have objected to that part of the bill providing that the Attorney General shall act jointly with the Secretary of the Treasury in prescribing regulations for the granting of permits.

No law-abiding permittee need have the slightest apprehension. By regulations, the Attorney General will segregate the law-abiding permittees from those who are under suspicion. All permittees with a good record will have their applications acted upon exclusively by the Secretary of the Treasury, and the procedure necessary will in no respect differ from the procedure used at the present time. Their applications will be acted upon promptly, so their business need not suffer by reason of delay. The applications of those permittees, however, whose records in the past have been unsatisfactory or with reference to whom the Attorney General has information to indicate that they are not proper persons to be trusted with the use and distribution of alcohol, will go to the Attorney General's desk. Under the bill he will have ten days within which to register objection to granting a permit to any such applicant, and in every such case no application can be granted without the joint approval of the Secretary and the Attorney General.

The bill leaves no room for shifting responsibility. The duty to enforce the prohibition laws is placed squarely upon the shoulders of the Attorney General and Congress stands ready to back him to any extent necessary to enable him to successfully carry on his difficult task.

Everyone knows that the leakage of industrial alcohol has been one of the prime factors which has tended to nullify the Eighteenth Amendment. The purpose of this bill is to give the Attorney General greater power to investigate all matters relating to the management and use of industrial alcohol, and to ascertain whether or not permittees are using it for unlawful purposes. Therefore, the Attorney General should have the right to investigate these permittees and the manner in which they are dispensing industrial alcohol.

The thing which I understand the wholesale druggists and large users of alcohol are alarmed about is the fear that under this bill no supplementary permit can be granted to them without the Attorney General approving of their application. The Attorney General will not pass upon these applications.

This bill expressly provides, by amendments which the committee put into the bill at the request of these very people, that no permit for a period of less than 90 days shall go to the Attorney General. So that the Secretary of the Treasury will retain exactly the power he has now with respect to the issuance of these permits and there will be no supervision by the Attorney General. They can continue to purchase their special orders of alcohol just exactly as they do now without any additional red tape.—*Extracts, see 4, p. 96.*

Con

HON. JOHN J. COCHRAN,  
U. S. Representative, Missouri, Democrat



HIS bill gives to the Attorney General the power jointly with the Secretary of the Treasury to make regulations under the National Prohibition Act and to prescribe the form of all applications, bonds, permits, records, and reports under such act. (See sec. 5-a.)

The bill also gives the Attorney General certain powers to determine liability for internal-revenue taxes, and this is a removal not only of enforcement authority under the National Prohibition Act but deprives the Treasury Department of a part of its fiscal powers.

Under the Eighteenth Amendment and the National Prohibition Act the use of all alcoholic liquors for non-beverage purposes is as completely protected as is the use of such alcohol and liquors for beverage purposes forbidden; and it is the duty of the Government as completely to protect business institutions, hospitals, doctors and druggists, and sacramental use of wines as it is to detect and punish moonshiners and bootleggers.

The maintenance of a supply of industrial alcohol, medicinal liquor, and sacramental wines in the hands of manufacturers and merchants is a constitutional necessity under the Eighteenth Amendment, and any act of Congress that interferes therewith or subjects the people to delay and difficulty in securing the same is contrary to the Eighteenth Amendment and oppressive. This is the business part of prohibition administration just as the detection and prosecution of crime under the act is the legal part of administration.

The provision in section 6 requiring that except as otherwise provided in regulations the Attorney General shall have filed with him copies of all applications for permits extending for more than 90 days, and the provision of section 7 that the Attorney General may act jointly with the Secretary of the Treasury in passing upon any such application and that no permit shall be granted without the joint approval of the Attorney General and the Secretary of the Treasury, gives the Attorney General absolute power to overrule the Secretary of the Treasury respecting permits extending beyond 90 days.

The Attorney General, in order to comply with the bill as reported, will, if he exercises the functions, have to maintain a considerable part of his force in examining permittees' applications and deciding whether or not he approves in a preliminary way of permits being issued. These functions will take the time and attention of men who should be investigating, detecting, and prosecuting actual crimes. Such a burden defeats the very purpose of this bill, which is to enable the Attorney General to prosecute through his own organization by detection of crime and preparation of cases within the Department of Justice. The penal business should be at the Department of Justice and the business end should be left with the Treasury Department.—*Extracts, see 5, p. 96.*



## Prohibition Legislation in the Senate

### Status of Measures Now Pending



ALTHOUGH a wide variety of bills and resolutions dealing with the prohibition problem have been introduced in the Senate, ranging, as in the House, from joint resolutions for the outright repeal of the Eighteenth Amendment to various forms of modification of the enforcement laws, only a few are receiving serious consideration.

#### Measures Pending in the Senate

These are the Prohibition Reorganization Act of 1930, transferring the prohibition enforcement machinery from the Treasury Department to the Department of Justice; the Sheppard bill making the purchaser of illegal liquor equally guilty under the law with the seller; the Wheeler and Norris resolutions for an investigation by the Senate Committee on the Judiciary of the Bureau of Prohibition of the Treasury Department, and the Howell bill, providing for a special enforcement law for the District of Columbia.

#### The Prohibition Reorganization Act of 1930

The Prohibition Reorganization Act is before the Committee on the Judiciary and it is expected that soon after the Tariff Bill has been passed by the Senate the Committee will report the bill.

#### The Sheppard Bill

On October 7, 1929, Senator Morris Sheppard, Tex., D., introduced as a proposed amendment to the National Prohibition Enforcement Act, a bill, S. 1827, 71st Con., 1st Sess., providing that purchasers of illegal liquor should be held equally guilty under the law with the seller. The bill was referred to the Committee on the Judiciary.

Senator Sheppard stated on March 6, 1930, that he would not press for action on his bill by the Committee at this session of Congress, because of the general desire on the part of members of the Senate to work for an adjournment as soon as possible after the disposition of the Tariff Bill and the annual Appropriation Bills.

### The Wheeler and Norris Resolutions

On February 10, 1930, Senator Burton K. Wheeler, Mont., D., introduced the following resolution, S. Res. 211, which was referred to the Committee on the Judiciary:

*Resolved*, That the Judiciary Committee of the United States Senate is authorized and directed (1) to investigate the activities of the Bureau of Prohibition in the Department of the Treasury and all matters in anywise pertaining to the enforcement of the prohibition laws of the United States, and (2) to report to the Senate as soon as practicable the results of its investigations, together with its recommendations, if any, for necessary legislation.

On February 17, 1930 Senator George W. Norris, Neb., R., offered, in the Committee on the Judiciary, as a substitute for the Wheeler Resolution the draft of a resolution providing:

1. To investigate the activities of the Bureau of Prohibition in the Department of the Treasury and all matters in any wise pertaining to the enforcement of the prohibition laws of the United States;

2. To ascertain whether said prohibition laws have been faithfully, fairly and honestly enforced by officials whose duty it is to enforce the same;

3. If the committee finds that the said prohibition laws have not been properly enforced, then to ascertain whether such lack of enforcement has come about by reason of inefficient or dishonest enforcement officials, or whether

the same is on account of a lack of any legislation on the part of Congress;

4. To ascertain whether the proper enforcement of said laws has been retarded or interfered with in any way through partisan political influence in selection or appointment of unqualified enforcement officials;

5. To ascertain to what extent, if any, the real extent to which such laws have been perverted or nullified by the incompetency or prejudice of any of the executive officials of the Government having to do with the enforcement of such laws or the appointment of officials;

6. To make any further investigation that in the judgment of said committee may be proper or necessary in order to enable the Senate to comprehensively legislate on this subject.

The Committee postponed action on the Wheeler and Norris resolutions until the Attorney General and officials of the Commission on Law Observance and Enforcement could be heard, setting March 17, as the date to begin hearings.

Drys are opposing the Wheeler and Norris amendments on the ground that if anything has been wrong with the Bureau of Prohibition in the Treasury the faults will be remedied by the Transfer of that bureau to the Department of Justice, as provided for in the pending Reorganization Act. As the Digest goes to press it appears improbable that either the Wheeler or Norris Resolution will be reported at this session.



### The District of Columbia Enforcement Bill

On January 6, 1930, Senator Robert B. Howell, Neb., R., introduced S. 3344, providing for special prohibition enforcement laws for the District of Columbia. A summary of the Howell bill, which was referred to the Senate Committee on the District of Columbia, follows: Section 1 contains the enacting clause.

Section 2 provides that the bill shall be supplemental to the National Prohibition Act.

Section 3 provides that any person found intoxicated on the streets or in a public conveyance or public building or who being intoxicated shall disturb the peace of any person, shall be fined not less than \$10 nor more than \$100 or imprisoned for not less than five days nor more than thirty days.

Section 4 provides that any person in charge of a locomotive engine, car or cars, street car or any other vehicle or boat while intoxicated he shall be fined not less than \$25 nor more than \$300 or imprisoned for not less than fifteen days nor more than three months.

Section 5 provides that any person who permits any building owned or leased by him to be used as a common nuisance under the National Prohibition Act shall be guilty of such nuisance and be subject to the penalties of the National Prohibition Act.

Section 6 provides that it shall be the duty of the Commissioners of the District of Columbia and, under them, the police, to investigate and report violations of the prohibition laws and to turn over the facts, together with names of witnesses to the United States Attorney for the District of Columbia for prosecution, except those offenses under Sections 3 and 4 of the Act, which are to be prosecuted by the Corporation Counsel of the District of Columbia.

Sections 7 and 8 make it obligatory upon the United States Attorney and the Corporation Counsel subject to the direction of the Attorney General, to prosecute all cases reported to them under the provisions of Section 6.

Section 9 provides that it shall be unlawful in the District of Columbia to possess any liquor or property intended for use in the manufacture, possession, sale or distribution of illegal liquor and that no property right shall exist in such liquor or property, and that if such liquor

or property is unlawfully possessed it shall be destroyed unless the Courts shall otherwise order.

Section 10 extends the existing authority to issue search warrants in liquor cases to the police, Court Judges of the District of Columbia, and provides that no search warrant shall be issued to search a private dwelling unless it is being used for the unlawful manufacture or sale of intoxicating liquor or unless liquor is unlawfully delivered to or from it or unless such dwelling is in part used "for business purposes such as a store, shop, saloon, restaurant, hotel or boarding house." The term "private dwelling" is construed to include "the room or rooms used and occupied, not transiently, but solely as a residence in an apartment house, hotel or boarding house." This section also provides that liquor seized under an invalid search warrant or illegally seized under a valid search warrant "shall not be returned unless it appears to the satisfaction of the Court that such liquor was lawfully acquired, possessed and used by the claimant."

Sections 11 and 12 provide for seizure of vehicles found transporting illegal liquor and their forfeit to the United States Government under prescribed court procedure.

Section 13 extends the power and protection of Section 28, Title II of the National Prohibition Act to all officers engaged in performance of duty under this Act.

Section 14 provides that where liquor is sold to a minor the penalty, for the first offense shall be a fine of \$500 and imprisonment for three months and for a second or subsequent offense, a fine of \$2,000 and imprisonment for one year, and that delivery of liquor to a minor under circumstances not constituting a sale, a fine of not less than \$300 nor more than \$1,000 and imprisonment for not less than thirty days nor more than three months for the first offense; a fine of not less than \$500 nor more than \$2,000 and imprisonment for not less than three months nor more than one year for the second offense, and a fine of not less than \$2,000 or more than \$5,000 and imprisonment for not less than one year nor more than three years for subsequent offenses. This section also provides penalties for druggists and pharmacists for violation of the prohibition laws.

Sections 15 and 16 contain administrative features.

### Comment on the Bill

by Hon. Robert B. Howell

U. S. Senator, Nebraska, Republican

In making a study of the general problem of prohibition enforcement I found that the District of Columbia has no real enforcement law to supplement the general provisions of the National Enforcement Act.

In all States except those which have directly repealed their enforcement acts some kind of machinery has been provided for by State or county authorities.

For example, the National Enforcement Act covering the use of search warrants provides that they may be issued only against places where illegal liquor is on sale. The use of search warrants in the District of Columbia is limited to that provision.

The result is that a bootlegger may have a house or an apartment full of liquor or he may even operate a still, but unless it can be proven that he is actually selling liquor on the premises, he cannot be punished. He may be selling every bit of his liquor, but the actual sales are taking place elsewhere—in office buildings, at dwellings, or on street corners.

Under the provisions of my bill the technique of the

bootlegger in the District of Columbia is destroyed. When, upon reasonable information that a building contains a supply of illegal liquor a search warrant is issued, the building is searched and the liquor found, the liquor will be seized and the owner punished unless he can prove that he came by the liquor lawfully.

Obviously this will not apply to liquor possessed under a permit from the Internal Revenue Bureau, as in the case of druggists, chemists, etc., nor to individuals who still have on hand liquor legally purchased or otherwise obtained before the passage of the Volstead Act.

In other words, my bill would make illegal liquor contraband, liable to seizure and destruction by the authorities, and its owner liable to punishment for possessing it.

Objection has been made to the search warrant provisions of my bill as being too drastic. Yet they are not as drastic as those of the two Maryland counties nor the laws of Virginia, whose territory is contiguous to the District of Columbia.

Continued on page 95

## House Resolutions to Amend the Eighteenth Amendment



**E**VEN joint resolutions for the repeal or amendment of the Eighteenth Amendment to the Constitution are being considered by the House Committee on the Judiciary. A joint resolution is one which, to have effect, must be adopted by both Houses of Congress and signed by the President. The adoption of a joint resolution by Congress is one of the methods prescribed in Article V of the Constitution for initiating action for the amendment of the Constitution.

Hearings on these seven resolutions were begun by the House Committee on the Judiciary on February 12, 1930. Proponents of the resolutions were heard first and completed their statements on March 4. The opponents began their testimony on March 5.

### *The Cochran and Clancy Resolutions*

Of the seven resolutions under consideration by the committee, three provide for the outright repeal of the Eighteenth Amendment. They are H. J. Res. 38, 71st Cong. 2nd Sess., introduced on April 18, 1929, by Representative John J. Cochran, Mo., D., and H. J. Res. 114, 71st Cong. 1st Sess., introduced on June 19, 1929, by Representative Robert H. Clancy, Mich., D., and H. J. Res. 137, 71st Cong. 2nd Sess., introduced on December 2, 1929, by Representative James T. Igoe, Ill., D.

In addition to these are the following four resolutions providing for amendments to the Eighteenth Amendment:

### *The La Guardia Resolution*

H. J. Res. 11, 71st Cong. 2nd Sess., introduced on April 15, 1929, by Representative F. H. La Guardia, N. Y., R., proposing the following amendment to the Eighteenth Amendment:

"SECTION 1. The Congress shall have power to regulate the manufacture, sale, transportation, import, and export of intoxicating beverages, reserving to the respective States the right to fix the alcoholic content of such beverages.

"SEC. 2. The Congress shall fix the minimum alcoholic content of nonintoxicating beverages and any State fixing a greater alcoholic content than such minimum shall do so only under such laws, rules, and regulations as Congress shall make and under such conditions as Congress shall impose to protect and guarantee other States adopting the minimum alcoholic content fixed by Congress from importations, sale, and traffic of such intoxicating beverages from such State."

H. J. Res. 39, 71st Cong., 2nd Sess., introduced on April 18, 1929, by Representative John J. Cochran, Mo., D., proposing the following amendment to the Eighteenth Amendment:

Section 1. Any beverage obtained by the alcoholic fermentation or an infusion or decoction of barley malt, cereals, and hops in drinkable water or by the natural fermentation of apples, or other fruit, vegetable, or herb juices containing not more than 3 per centum of alcohol by volume may be manufactured, sold, or transported for

sale in original packages for consumption in homes and places other than the place of sale.

### *The Sabath Resolution*

H. J. Res. 99, 71st Cong. 1st Sess., introduced on June 5, 1929, by Representative Adolph J. Sabath, Ill., D., proposing the following amendment to the Eighteenth Amendment:

"SECTION 1. After the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within the importation thereof into, the exportation thereof from, the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited, except as provided in section 2 of this article.

"SEC. 2. Congress shall provide for appropriate legislation for the manufacture and transportation of intoxicating beverages and for the sale thereof in packages under a system of governmental permits and restrictions, and provide penalties for the violation of such laws, permits, and regulations: *Provided, however,* That no such permits shall be issued therefor in any State or Territory whose laws prohibit the manufacture, transportation, or sale of intoxicating beverages; nor in any political subdivision of the United States of America (outside of the District of Columbia), until requested by an act of the legislature or referendum vote of such political subdivision.

"SEC. 3. This amendment shall be inoperative unless ratified within ten years of the submission thereof."

### *The Norton Resolution*

H. J. Res. 219, 71st Cong. 2nd Sess., introduced on January 29, 1930, by Representative Mary T. Norton, N. J., D., providing for the following amendment to the Eighteenth Amendment:

"Each State shall submit to the electors thereof at the next general congressional election therein, after three months from the date of the adoption of this amendment, the question whether or not the eighteenth amendment to this Constitution shall be repealed.

"The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"Each State shall conduct such election therein and determine the result as the law thereof provides or, in the absence of such State law, in such manner as the Congress shall provide.

"On the expiration of the time for such election in all the States the submission of the question shall be complete.

"If a majority of all the people voting thereon vote for the repeal, the eighteenth amendment shall thereupon cease to be a part of this Constitution; but the Congress shall retain power to prohibit the interstate transportation of intoxicating liquors in violation of State laws, and no State shall permit or authorize the conduct of a saloon."

## Can Prohibition be Enforced?

Pro

HON. ARTHUR CAPPER,  
U. S. Senator, Kansas, Republican



PROHIBITION can be enforced, and we have demonstrated that fact in Kansas where we have had prohibition for a few years short of half a century.

Some of the eastern and big-city enemies of prohibition say if the prohibition law were made more liberal they would be satisfied and the more liberal law would be obeyed. Kansas has been through all that.

For years prohibition was not enforced in all Kansas, nor even half-way enforced; but even then the benefits began to show. The people became converted to the dry cause and got in earnest about prohibition. They began ousting from office city and county attorneys and mayors who were lax or were wet sympathizers. We passed a "bone dry" law during my administration as governor. It works in Kansas and I assert it will function in any State in the Union. For 25 years prohibition has been a fact in Kansas and now it is a permanent part of its State and national creed.

Sometimes I hear friends of so-called temperance, as opposed to prohibition—a generation ago these generally were "wets" as opposed to temperance—proclaim that law observance precedes law enforcement in point of time. I fear history will not bear out that assertion. We hear a lot always about law-observing England, where murders are so few compared to the record in this country. But England was not always so law-abiding. It became law-abiding in that respect after years, one could almost say centuries of law-enforcement. But that is aside from the main question. Prohibition enforcement in the long run is going to rest on the merit, or lack of merit, of prohibition itself. If the country decides that saloons and drunkenness are a good thing, socially and economically, then prohibition will fail and prohibition enforcement, of course, will not be a problem.

There are to be no saloons, those who advocate repeal of the amendment or modification of the Volstead law claim. We are not going to tolerate drunken men on the streets. The few who drink now are not popular as operators of motor vehicles. Civilization is passing beyond the alcoholic-beverage stage. In some countries only the leaders in thought voice this sentiment, but their statements are significant.

Cardinal Mercier, primate of Belgium, said, in 1919:

"If general prohibition were introduced more lives would be saved than by general disarmament. Alcohol kills more men than war and kills them dishonorably. An existence is suppressed when a man is killed by war; but the evil survives after the inebriate ceases to exist."

To those who believe they are advocating temperance when they oppose prohibition, I would say only this—there is more temperance under prohibition than there was before prohibition.

"One of the most astonishing transformations in economic history is the progress made in industry in the United States during the last five years," wrote Secretary

*Continued on next page*

Con

HON. DAVID I. WALSH,  
U. S. Senator, Massachusetts, Democrat



NLY when public spirit is on the side of the law is the law generally obeyed. Enforcement is always difficult, but when the law declares that conduct widely practiced and widely regarded as innocent is a crime, enforcement is impossible.

It has been demonstrated over and over again in every land and in every age that the multitude of points of resistance of any law that involves the personal habits of many people make enforcement a special category that invariably results in resistance and revolt. The fathers of the Republic understood this principle and made a Constitution to secure, not to "deny," personal liberty.

Prohibition aims directly at a physical satisfaction of nature and a social custom, the indulgence of which is not in and of itself morally wrong. Constitutional and legislative fiat alone do not and cannot restrain this custom or modify the mental attitude toward it. Compulsory enforcement of the ban upon the use of intoxicating beverages can be achieved only if the means for the indulgence of this appetite are put beyond the reach of mankind. Let us face the fact that, to accomplish this, alcohol in all its varieties must be eradicated from the universe, for so long as alcohol exists intoxicating beverages of many brands and kinds can be made.

Of course, alcohol cannot be eradicated; first, because so long as we have sugar we have fermentation, and fermentation produces alcohol; and second, because alcohol as a chemical ingredient is indispensable to industry and indispensable to medicine—wholly apart from the moot question of the medicinal value of liquor.

Prohibitionists, however, inwardly conscious of the utter impossibility of putting alcoholic beverages entirely beyond the reach of mankind, refuse to concede that prohibition enforcement rests on that premise. Instead they profess to believe that prohibition can be enforced; first, by partial suppression of the supply, to be achieved by punishments and penalties for the trafficker in liquor; second, by detection and punishment of the individual partaker of alcoholic stimulants; and third, if all else fails, by an appeal to public conscience voluntarily to observe an edict which the State finds itself utterly unable to enforce by coercion.

All efforts to enforce prohibition, either attempted or proposed, fall within these three main categories—two compulsory and the third voluntary.

We have now had 10 years of practical experience with attempted enforcement along the lines of the first category, with all of the various schemes for making individual access to alcoholic beverages difficult and hazardous and expensive.

Certainly no open-minded citizen disputes that access to alcoholic beverages still remains comparatively easy, and that abundant opportunities continue to prevail for the indulgence of man's natural appetite.

The crime and corruption and the disrespect of law and the breakdown in our legal machinery, which the pro-

*Continued on next page*



## Pro

HON. ARTHUR CAPPER—*Continued*

Hoover in the 1925 annual report of the United States Department of Commerce.

As President he has not changed his attitude in favor of prohibition's economic benefits. Rather the contrary, Mr. Hoover mentioned prohibition as one of the chief causes of that transformation, and few big manufacturers in the United States will disagree with that statement.

I think we can lay a considerable share of this Nation's abounding good fortune to eight years of national prohibition superimposed on many years of prohibition by the States; to the tremendous increase in our industrial efficiency resulting largely therefrom; to the rise in the last eight years of a new and hitherto lacking nation-wide thrift, which seems but another outcome of this same cause, and which, as President Hoover points out, finds us in this year of our Lord the best-housed, the best-fed, the best-clothed people that ever inhabited the earth.

We need go no further back than the recent election to discover that the great majority of the people of this country—not any particular section or class or party, but just the mass of the people—believe in the Eighteenth Amendment and in the enforcement of its provisions. To my mind, the national election of 1928 constitutes a mandate to the Government of the United States to make the prohibition amendment effective, not to attempt to repeal or evade it.

Prohibition is not now so much a question of laws or changes in laws. It is rather a question of law observance and law enforcement. The growing disregard for law is a danger signal that we cannot afford to ignore. Gang wars and wholesale murder—more than 9000 murders a year in this country; crimes of violence on the increase; cynical disrespect for all constituted authority apparently more prevalent in our boys and girls; these accompanied by the slackened sense of individual responsibility to which I have already referred.

The issue is clear cut. We will have either law enforcement or the open saloon. The open saloon will never return so long as our citizens keep their vision clear on that fundamental fact.

There has been no change of sentiment among our farmers nor among the urban dwellers of the United States where the real issue is understood on this question. But powerful selfish interests have clouded the issue. The forces back of law and order should realize this and hammer home that the real clear-cut issue—the law enforcement and law observance fight—in the last analysis is over the saloon. Every citizen and every community faces the same challenge.

For every citizen, the challenge individually is that of law observance. For every community, the challenge is law enforcement.

Prohibition enforcement now is a challenge to public officials—Federal, State and local—from one end of the land to the other. It is a challenge also to the loyalty of the common man to his Government. We have never had a greater opportunity to do a finer service for our country than today—by showing through speech and action a decent respect for its laws and its Constitution.

Prohibition has not had a fair trial. The big cities have not made an honest effort to enforce this law. It should be given a chance. It can be enforced if Federal, State, and local officials will get back of it in an honest-to-God way.—*Extracts, see 6, p. 96.*

## Con

HON. DAVID I. WALSH—*Continued*

hibitionist sneeringly disregards and which have attended the efforts to enforce prohibition, is a tragic story outside the purview of this article. For the purposes of the present discussion it is enough to show that prohibition has failed of enforcement without attempting to decide whether the grave evils which have accompanied the attempted cure are worse for America than was the indefensible ailment of intemperance, for which prohibition was prescribed.

Let us now examine what we can do that we have not already done to enforce the Eighteenth Amendment.

We can, as urged by President Hoover, consolidate the Federal administrative agencies of prohibition enforcement. We can increase the number of prohibition agents, we can raise their pay, we can create more judges and build more jails, and we can codify the laws, and we can increase the penalties for the manufacture and transportation and sale of liquor. And with what result? We will have increased tax burdens, increased graft and corruption, increased difficulty in obtaining jury convictions—higher prices, perhaps, for liquor from bootlegger channels and poorer quality with more poison, with, alas! corresponding increases in "home manufacture" of alcoholic refreshment. Just as long as there are grapes, there will be wine; just as long as there is yeast and malt, there will be home brew; just as long as there is corn, there will be moonshine.

Shall we make it a felony to possess a kettle or a bottle or a spigot and funnel? Shall we destroy our vineyards that grape juice may not be turned into wine? Cut down our orchards that apple juice and peach juice may not be converted into cider and brandy? Is malt and rye and corn to be prohibited? Of course not. Such suggestions are ridiculous in their very statement. Yet it is only by such means that the home supply of intoxicating beverages is to be eliminated. So we must concede that the opportunity for indulgence in liquor cannot be removed.

The law cannot suppress the desire; it cannot banish the opportunity for gratification of the desire so long as man lives within four walls and a mildly stimulating beverage is of easy access. Compulsory prohibition, therefore, will only be attained if man is deprived of the privacy and security of his home, and an army of agents and spies and pursuivants, upheld by every law agent of the Government, are to exercise constant personal surveillance.

Unless and until man voluntarily relinquishes the use of intoxicating beverages, violation of the prohibition law will persist on such a large scale that it cannot be successfully claimed that the law is enforced.

Yet enactment of the Eighteenth Amendment proceeded upon the assumption that temperance could not be obtained by voluntary moderation, that the spiritual appeal against overindulgence would or did fail, that mankind could not be expected to control of his own accord his appetite for intoxicants, and that the only method of achieving temperance was to deprive man of all opportunity to indulge his appetite. It sought to substitute compulsion for persuasion, notwithstanding the fact that the policy of persuasion was making substantial progress.

We have the statutory ban to prohibit liquor today because it was contended that pleas, prayers, and persuasion of more than a century had failed. Because the law is demonstrably incapable of compulsory enforcement, we are back again to pleas and persuasion not to fore-swear liquor for liquor's sake but for the law's sake.—*Extracts, see 7, p. 96.*



## Should the Eighteenth Amendment be Respected?

Pro

HON. CARROLL L. BEEDY,  
U. S. Representative, Maine, Republican



BRAHAM LINCOLN, in referring to the use of intoxicating liquor from the days of earliest history said: "That even then it was known and acknowledged that many were greatly injured by it." And he added that they seemed to think the injury arose from the abuse of a very good thing rather than from the use of a bad thing.

What is the answer to the question, is intoxicating liquor itself so potent with evil consequences that we must look upon it as any other evil which endangers the well-being of a great social order? One would suppose that in view of the proofs, extending over 8,000 years of recorded experience, people of this day and time would have arrived at a well-nigh unanimous conclusion that the Government stamp of approval given to traffic in intoxicating liquor, since it has so generally led to unrestrained drinking and disaster, is therefore conclusively undesirable.

Should Government in dealing with a bad thing indorse a policy of compromise, or should it be dealt with unequivocally? Surely, it is an inherent power of Government to deal effectively with an evil—with a commodity, the unrestrained traffic and use of which directly impairs the economic efficiency, together with the physical and moral stamina of the people. That government is impotent, indeed, and destined to fail miserably, which has not the strength and force of character to deal uncompromisingly with any civic or moral evil.

I believe it is the duty of our Government through its laws to aim for the best standards of civic virtue. When any government follows the line of least resistance and abandons the fight for ideals its people perish.

On the afternoon of the day he was assassinated President Lincoln said: " \* \* \* With the help of the people, we have cleaned up a colossal job. Slavery is abolished. After reconstruction the next question will be the overthrow and abolition of the liquor traffic; and you know \* \* \* that my head and my heart and my hand and my purse will go into the work."

I concede that the line of least resistance is a tempting method of meeting trying problems, but I submit that when you put the stamp of Government approval on that portion of a traffic which is the milder part of a potential evil, you nevertheless do not destroy the major part, nor do you banish corruption, bribery, and law violation. If you yield to compromise, you must face these same destructive forces again and again in the same arena.

The 56,000, or even 60,000, who were prosecuted last year in the Federal courts for the offense in question is but five ten-thousandths of 1 per cent of our population. I ought in fairness to state, however, that unquestionably the number of prosecutions for this offense in State courts probably far exceeded the number of prosecutions in Federal courts. At best, however, a very small portion of our population is involved.

*Continued on next page*

Con

HON. JAMES E. BECK,  
U. S. Representative, Pennsylvania, Republican



CERTAINLY the leaders of prohibition showed scant respect for the Constitution when they wrote this illegitimate amendment into that noble instrument and thus destroyed its perfect symmetry and turned a wise compact of government into a mere police code. Certainly they had scant respect for the Constitution when they thus destroyed its basic principle of home rule, and in this matter of daily habit, relegated the sovereign States to the ignominious position of mere police provinces. The Constitution has suffered many changes, some of which have impaired its symmetry and beauty, but none that is comparable to the Eighteenth Amendment in its destructive effect upon the proud consciousness of the once sovereign States.

It was Edmund Burke who said that you could not indict a people, but he might have gone further and said that you can not indict a substantial portion of the people. The fact that after 10 years of enforcement, with the expenditure of hundreds of millions of dollars and a ghastly sacrifice of many lives, the prohibition law is still largely unenforced damns it beyond any defense.

If a law have any reasonable justification, or is even within the reasonable province of government, then the American people are as loyal to it as any other people; but they refuse to believe that a law is either infallible or omnipotent. They know better. To the American the law is but the reasoned adjustment of human relations, and its true sanctity is largely in its reasonableness and not in the fiat of the State. It is everlastingly true that you can not make the American people respect a law in the intellectual sense unless it be worthy of respect.

A law, to be enforced, must find its justification in the conscience of the American people. They know full well that they do not make the laws, except indirectly. The laws are made, under our system of representative government, by men whom the people select for this purpose, but the people know little or nothing of nine-tenths of the laws which the representatives of the people enact in their behalf. The American people themselves directly never placed the Eighteenth Amendment in the Constitution. It was proposed to the people by a portion of 500 Senators and Representatives in Congress and it was ratified by possibly 5,000 votes in the legislatures of the States. The people have never had an opportunity to pass upon the question. I do not mean to intimate that a majority of the people might not favor this law. Perhaps they would. It matters not to me if they do, for the reserved rights of the individual under the higher law of human liberty are not dependent upon fleeting majorities.

The direct way to end this system of tyranny and hypocrisy would be to repeal the Eighteenth Amendment, and thus leave to the States the adjustment of the problem, in accordance with their local conditions and several necessities. I appreciate the present and insuperable difficulty of securing such a repeal.

*Continued on next page*

## Pro

HON. CARROLL L. BEEDY—Continued

We have a law in this country against larceny. It is an offense which involves a higher degree of moral turpitude. The majority of prosecutions for this offense are brought into State courts. I have no means of knowing definitely how many prosecutions for theft were terminated in our courts last year, but anyone in this body familiar with prosecuting work in our criminal courts will give me credit for being almost conservative if I state that the number of prosecutions for larceny in both our Federal and State courts last year would total ten times the number of prosecutions in all our courts during the same period for violations of the national prohibition law. In other words, it is fair to assume that not five ten-thousandths but five one-thousandths of 1 per cent of our population was last year prosecuted for larceny. Surely it can not with justification be argued that the ethos of the American people, the innate spirit persisting from birth to death, is the ethos of thievery.

Neither the number of criminal prosecutions in our courts, the number of arrests, the expression of opinion in metropolitan clubs, the exaggerated headlines or editorials of the wet press in our great metropolitan centers, neither one nor all of these together represent the real ethos of the American people.

What is to become of the Constitution itself if its mandates, in every case not self-enforcing, may be ignored by the Congress? True, the Federal courts constitute a bulwark for the preservation of constitutional guarantees. But these courts in turn are set up and supported by the acts of Congress. If Congress, being under no obligation to heed constitutional mandates, chooses to withhold appropriations for the Federal courts, what is to become of this Government? It was set up and designed to operate through a nicely adjusted system of checks and balances; through varying grants and limitations of power; through reservations of all rights to the States and the people themselves not expressly given the Federal Government, and finally through mandates intended to regulate and control certain rights of the individual as well as to preserve beyond question the fundamental liberties of all.

It is true that the people constitute the court of last resort. But to our mind that fact is no justification for the failure of Congress to recognize the binding forces of any mandate of the Constitution.

Finally, if the doctrine were tenable that Congress through inaction may fail to carry out any mandate of the Constitution which is not self-enforcing, what would become of the oaths of the individual Members of Congress who are sworn to support the Constitution?

After all the obligation of Congress under the Eighteenth Amendment has been finally passed upon and decided by the Supreme Court of the United States in the national prohibition cases. I quote from the decision of Mr. Justice Van Devanter:

"The second section of the amendment—the one declaring 'The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation'—does not enable Congress or the several States to defeat or thwart the prohibition, but only to enforce it by appropriate means."

I submit it is clear that if the Eighteenth Amendment in no way enables Congress to thwart prohibition it is the duty of the Congress to take action for its proper enforcement.—*Extracts, see 8, p. 96.*

## Con

HON. JAMES E. BECK—Continued

A clear distinction must be made between the clauses of the Constitution that in themselves are a mandate to Congress, on the one hand, and a mere delegation to Congress of power to do a thing. For example, the Constitution by a specific mandate required a census every 10 years, and the recent lamentable failure of Congress to comply with that imperative mandate admits of no excuse, for our duty was largely administrative, but the Constitution also gives to Congress the power to regulate commerce.

If Congress does not choose to provide a regulation there is no disrespect of the Constitution. For a hundred years the Congresses of the United States never passed a regulation of commerce, I mean, of a general character, and outside of the land grants to railways, until the interstate act of 1887. In other words, the mere delegation of a power to Congress does not imply that it need be exercised, and it still rests in the political discretion of Congress to say whether the power shall be exercised or not. Congress is given the power to borrow money, but it need not borrow it; to regulate commerce, but it need not regulate it; to establish a uniform rule of naturalization and uniform laws on the subject of bankruptcy, but it need not pass such a rule; to promote the progress of science and useful arts, by patents and copyrights, but it need not pass them. Failure to do so is not a violation of the Constitution, but, obviously, if they pass laws in execution of a delegated power, they must not be inconsistent with the Constitution.

In other words, the Constitution grants to Congress many powers, and states many objectives, but often leaves to the political discretion of Congress the question as to the manner of their exercise, or, indeed, whether they shall be exercised at all.

It must be conceded that the first section of the Eighteenth Amendment does contain a prohibition, which, however, is a mere brutum fulmen (empty threat) without enforcing statutes. But the second section shows that the Eighteenth Amendment is not self-enforcing, for it vests in Congress and the several States concurrent power "to enforce this article by appropriate legislation." The means, therefore, of enforcing this statute, or, indeed, the duty of enforcing it at all, rests in the political discretion of Congress, and its Members are only responsible to the American people. Therefore, while the Constitution is a "sacred compact between the dead, and the living, and the unborn," as Burke said, yet the living generation can determine whether such grants of power shall be exercised; and if so, in what manner. For a century, as stated, they were satisfied that the commerce power of the Constitution should not be exercised by affirmative legislation, and similarly each living generation can determine for itself whether they will pass affirmative legislation to enforce the Eighteenth Amendment, or leave it without enforcing statutes.

Even if this were not so, Congress could, without any violation of the Constitution, reach the conclusion that the methods of enforcement and the actual enforcement of the Eighteenth Amendment were best left to the States.

When the American people thus recognize that the non-exercise of a power is not necessarily a challenge to the Constitution they will in due time wholly sweep away that monstrous compound of iniquity and folly, the Volstead law, and upon its ruins build afresh.—*Extracts, see 9, p. 96.*

## Shall the Eighteenth Amendment Stand?

Pro

HON. FRANKLIN W. FORT,  
U. S. Representative, New Jersey, Republican



AJOR movements in human life come in great waves, and when one is in their midst he can see only the whitecaps which dot the surface. To me it is entirely clear now that the agitation did not reach its powerful sweep through its own internal strength, did not lift itself by its own bootstraps, but was created by two irresistible ground swells in our national life for which it was but the channel.

One of these was the growing trend toward the mechanization of our whole life and the systematizing of our industry. With high-speed machinery and increased specialization in its use, alertness of mind and body became essential for both the safety of the worker and the efficiency of his work. With factories organized so that processes were continuous and a break at any point in the handling chain slowed all the wheels and hampered all the work, each workman's presence and correct performance must be assured. Midday drinking by one man might cause some cog to slip and injure either his fellow workman or the whole system. So, too, the plant must be fully manned every day, each specialized workman at his appointed task. No longer could our industries proceed with 50 per cent attendance Monday, 80 per cent Tuesday and 100 per cent perhaps by Wednesday noon.

In the old days of one or two men shops, it had not been so serious. If necessary, the delinquent could work later when sober and make up for lost time. But 8-hour days and the dependence of one man's work upon the other's made that impossible. Nor could industry stand strikes. The competitive pace was too fast. Most strikes were caused by poverty—and poverty thrives on liquor.

Then, too, machines were fast replacing horses. Now a horse could get home with a drunken driver but a railroad train, a trolley car, or an automobile could not. So, somehow, we must try to keep our drivers cold sober. And, of course, the licensed drinking place, for its very livelihood, had to try to make them drink.

The swelling power of our new economic era, therefore, had to match its sword against the saloon.

But this was not the only major trend of our past 50 years as a Nation. Side by side with education and industrialization—creature and, perhaps, creator of our new civilization—marched a new code of social ethics. So far as history discloses, the emergence of wives and children from the complete control of their lords and masters is very recent and nowhere else has it attained the pace America has set. Laws limiting the labor of women and children; requiring the husband and father to support his family; broadening divorce privileges and property rights; establishing compulsory education; insisting upon sanitation of homes and food; and throwing countless other protections around those whose only law had been that of the head of the house began to fill our statute books. And simultaneously, if proof were needed that this was the voluntary act of the men of the Nation, life insurance developed into a major feature of our economic

*Continued on next page*

Con

HON. GEORGE S. GRAHAM,  
U. S. Representative, Pennsylvania, Republican



EVEN Resolutions each containing a proposition to amend the Constitution were introduced in the House of Representatives by seven different members and referred to the Committee on the Judiciary by the House for the purpose of having them considered and, if deemed meritorious, reported back to the House in which event they must be approved by two-thirds vote in each branch of the Congress.

The Eighteenth Amendment and the enforcement law have been tested for ten years, without satisfactory results. Enforcement has left a train of consequences most deplorable and depressing to every patriot. Killings amounting to over 1360 have resulted in the last ten years from enforcement. 151 citizens were killed by Prohibition officers and 64 agents killed by citizens. In one year there were 77,351 arrests for violations, alleged or real. During the first year under prohibition there were 29,000 cases instituted, and during the last fiscal year there were close to 70,000. Demand for more prisons has been made and new ones ordered, which it is said will not give relief from overcrowding except for a period of five years or possibly ten. Prison population has jumped four per cent per 100,000 in the last five years. When we add corruption, bribery, demoralization of the citizenry, disrespect for law, bootlegging and kindred offenses, does not such a picture call for the fair, dispassionate judgment of men and women, to come together and reason over what remedy can be devised to abate this sad condition.

No one wants the restoration of the old conditions or the saloon. We may well ask, can not control and regulation of the liquor traffic supply the place of Prohibition? What use of more laws, drastic and partaking of the spirit of vengeance, rather than justice. Natural liberty of the individual has never been totally surrendered to society, but only so much as is needed to preserve the organized entity. Freedom of decision as to what one may drink, eat or wear, is as fundamental as freedom of belief in religion. Like in the delegation of powers to the Federal Government by the sovereign States, all not delegated were reserved. Individual man has a large reservoir of powers. Only when one's choice by overt acts breaks the peace or injures society can the individual decision be assailed, and then only to punish the overt acts. Behold the action of the Canada Provinces which after many experiments have finally adopted the so-called "Canadian System", all except Prince Edward's Island. Only Finland and the United States stand out as Dry Nations. Can not some system be devised to control and not prohibit that will lessen the evils portrayed?

Let us reason together. Not with the fanatic, for he is the foe of religious as well as individual liberty. Not with him. No, but with broad minded men and women of every faith and belief, and try to relieve our country

*Continued on next page*



## Pro

HON. FRANKLIN W. FORT—*Continued*

structure. All this culminated almost exactly at the same time as the Eighteenth Amendment in the adoption of woman suffrage by the Nation as the free gift of men to women.

What has our economic experience been for 10 years? Well, along with all the nations of the world, we ran into a serious deflation in 1920 and 1921. Unemployment was very serious in many sections. But we got through without soup houses and recovered more rapidly than any other people, swinging into a full tide of prosperity by the end of 1922. It was this performance—and the contrasting condition among the poorer people with the condition I had observed in previous periods of unemployment—by the way, that made me a prohibitionist. From 1922 until 1929, with only very moderate declines, our production continued large and our industrial prosperity unprecedented, and this despite quite unsatisfactory conditions among our farmers and coal miners with consequent reduction of their buying power. Our efficiency in manufacture increased by leaps and bounds and the speed of our production and handling of goods. As a result we jumped the volume of our export trade enormously, proving able in many industries to undersell the world despite our vastly higher wage scale. Mass production, in its infancy in 1920, developed beyond any dreams and workmen became more and more specialists, doing their detail of the work with sureness and alertness. And thanks to the increase in productivity per man, wages mounted steadily.

The income of the Nation increased from an estimate of \$63,000,000,000 in 1921 to \$89,000,000,000 for 1928. Our motor cars trebled in number; our life-insurance policy-holders jumped from 13,000,000 to 27,000,000; our savings accounts from 18,000,000 in 1919 to 53,000,000 in 1929, and the amount deposited from \$13,000,000,000 to \$28,500,000,000.

For these statistics I must thank the fine article by Samuel Crowther in the Ladies' Home Journal for January entitled "Where Prohibition is a Success." Incidentally, I am informed that Mr. Crowther started the work upon his articles, highly sceptical of the economic value of prohibition, but finished with the statement that "prohibition is an economic success."

I do not know a manufacturer—and I have talked to some who hate prohibition—who does not agree with everything I say about his workmen or who disputes the cause. I do not know a banker who does not feel prohibition to be the backbone of his savings accounts. I understand that practically every foreign economic commission which has been here to study the causes of our prosperity places prohibition first. Last summer, while abroad, two foreign manufacturers in different countries, both drinking men, told me that they were convinced that if we kept prohibition, they would have to come to it if they hoped to compete in the world's market.

A serious case is made of the nonenforcement situation—and it does look bad with graft rampant, shootings, frequent, politics regnant, and the public apparently acquiescent. Well, as I have shown, none of this is new. One moving cause of great potency for the adoption of prohibition was the fact that all these things existed under the old system. The flood of illicit liquor always moved from license to no license territory. Bootleggers like speakeasies antedated the Volstead Act and their methods were the same.—*Extracts, see 9, p. 96.*

## Con

HON. GEORGE S. GRAHAM—*Continued*

through reason and by conceiving a new system—one not founded on the bludgeon, and a violation of man's conscientious convictions regarding drink.

No law can ever be enforced that is destructive of right and individual liberty. Every law to be capable of being enforced without such a train of consequences must not be inconsistent with the mind of the people of the country as being right and must not be destructive of individual liberty.—*Extracts, see 10, p. 96.*

## Con

HON. ADOLPH J. SABATH,  
*U. S. Representative, Illinois, Democrat*

E are aiming at educating the public to bring out the facts, the naked truth, so the people of the nation may get a glimpse of the terrible situation. We think that if these facts are brought home to the public all but the professional prohibitionists and the bootlegger, who are deriving immense profits from existing conditions, will come forward and insist on a change and in that way emphasize sentiment for a law that will bring about temperance and will eliminate the wave of crime due to prohibition; will bring back respect for the law and eliminate the resentment that now exists in a large number of American people, in fact, I believe, a majority of the American people—against existing conditions.

I think with the adoption of the Quebec, or Canadian system or the Swedish system, under which people are able to obtain under the constitution and under the law the beverages they are accustomed to, will eliminate the bootlegging profiteering and bribery we read about in every newspaper and attain sane conditions.

## Con

HON. MARY T. NORTON,  
*U. S. Representative, New Jersey, Democrat*

O true friend of the Government of the United States, whether wet or dry, should desire the Eighteenth Amendment to remain in the Constitution against the will of the majority of the people of the United States.

Why should Members of Congress or Members of the Legislatures of the various States, who are only servants of the people, withhold from them the right to decide this problem for themselves?

My judgment is that the question of Federal prohibition will never be settled until we provide a way for its settlement by the people themselves.

Unless we do that, it will remain one of the harassing political questions of the United States, subordinating to it the proper consideration of other great questions of Government, distracting the people and continuing the evils of the existing situation.—*Extracts, see 11, p. 96.*

## The 71st Congress

*Duration of the 70th Congress, March 4, 1929-March 4, 1931*

*First, or "Special" Session, Convened April 15, 1929. Adjourned November 22, 1929*

*Second, or "Long" Session, Began December 2, 1929.*

### *In the Senate Membership Total—96*

53 Republicans      39 Democrats  
1 Farmer-Labor  
2 Vacancies

### *Presiding Officer*

President: Charles Curtis, R.  
Vice-President of the United States

### *Floor Leaders*

*Majority Leader*      *Minority Leader*  
James E. Watson, Ind., R.      Joseph T. Robinson, Ark., D.

### *In the House Membership Total—435*

267 Republicans      165 Democrats  
1 Farmer-Labor  
3 Vacancies

### *Presiding Officer*

Speaker: Nicholas Longworth, R.  
Member of the House from Ohio

### *Floor Leaders*

*Majority Leader*      *Minority Leader*  
John Q. Tilson, Conn., R.      John N. Garner, Tex., D.

## The Coming Month in Congress

*By Norborne T. N. Robinson*



WITH discussion of the Tariff Bill in the Senate drawing to a close and with a final vote on that measure scheduled to be taken late in March, the decks are being cleared in Congress for an early adjournment.

Leaders of both parties are hoping to bring about an adjournment by May 30 and because of this no legislation of national importance other than the Tariff Bill and the regular annual supply bills is expected to pass at this session.

### *Tariff Revision Takes a Year*

The Tariff Bill will have been under consideration for nearly a year before it is finally acted upon by both Houses and is sent to the White House for action by the President. Prior to taking up the Tariff Bill, Congress, at the Extra Session beginning April 15, 1929, considered and passed the Census Bill and Farm Bill, which, among other things, created the Federal Farm Bureau.

Following the disposition of this measure the House

considered and promptly passed the Tariff Bill. This measure, upon reaching the Senate, was referred to the Committee on Finance, which held hearings during the summer of 1929 and then proceeded to its task of amending the bill as it passed the House. Thus October was reached before its consideration began on the floor of the Senate.

### *House Recesses*

In the meantime the House recessed during the summer and really did not reassemble in full force until the end of the extra session and the beginning of the regular long session on December 2, 1929. Even then, with the Senate still at work on the Tariff Bill, the House began running on a sort of half-time schedule, passing promptly the appropriation bills as they came from committee and considering only a few other measures of national importance, the most interesting one, from the public standpoint, being the bill for the transfer of the prohibition enforcement machinery from the Treasury Department to the Department of Justice.

During the latter part of February the House began taking two and three day recesses each week or adjourning each day after attending to only the most perfunctory routine business.

#### *Farm Relief, Tariff and Prohibition*

The result has been that the entire extra session and the current regular session have been marked by the consideration of only three pieces of major legislation, other than the appropriation bills—namely, the Farm Relief Bill, the Tariff Bill and the Prohibition Reorganization Bill.

The reasons for this situation are that the Republican leaders in both branches of Congress followed the Administration lead, and made the Farm Relief Bill, the Tariff Bill and the Prohibition Reorganization Act predominant in their plans and decided that nothing should be allowed to interfere with this program, and that the lack of complete control by the Republicans in the Senate has caused the accomplishment of this program to take more time than had been anticipated.

#### *Republican Majority in House*

With a working majority, the Republican leaders in the House are able to control their program. As soon as a bill is reported from committee the House leaders can set the length of time it is to be debated and fix the time on which a vote is to be taken. They not only have a majority of the votes in the House to back them up, but they also operate under House rules which permit them to limit debate and force a vote when necessary.

#### *House Majority Functions*

Because of these factors the task of the majority leaders in the House has been much more simple than that of the majority leaders in the Senate who, although they had enough votes to organize the Senate and elect officers, cannot count on enough votes to be sure of putting through any given piece of legislation. Furthermore, the Senate rules which permit of practically unlimited debate, prevent the leaders from bringing about a final vote on any bill at any given time.

#### *The Coalition in the Senate*

The coalition in the Senate formed by the group of Republican Senators, mostly from Western States, with the Democrats has formed a temporary majority that has, up to this time, controlled the destinies of the Tariff Bill in the Upper House of Congress to the extent that it has brought about long debates and many alterations in the bill as it passed the House.

In the early days of March, when the sugar schedule of the bill was voted on, the Coalition collapsed, a sufficient number going over to the regular Republicans to put the sugar duties on the bill that a majority of the Republicans wanted.

#### *Future of the Coalition*

This may mean that the Coalition, in so far as tariff legislation is concerned, is only temporarily broken and that the Coalition will reform and control the Senate's

action on other schedules, or that the break will be permanent. Opinion among men of experience on both parties in the Senate is divided on this point and only the actual votes taken on various schedules in the closing days of March can tell the true story.

#### *Conference on Tariff Bill*

Even after the Tariff Bill has been passed by the Senate, however, the battle will continue to be waged. The bill, as passed by the Senate, will be a vastly different bill from the original House bill. Therefore, the House, when it receives the bill from the Senate, is expected to vote to disagree to the Senate amendments and send the bill to conference.

The most optimistic prophets at the Capitol estimate that the bill will be under consideration by the Conference Committee for at least four weeks and probably for six weeks.

#### *Politics and Congress*

Much of the fight over the tariff has been for purely political purposes. It is inevitable that any new Administration unless it is backed in Congress by an overwhelming majority in both Houses, faces determined opposition during its first year. In the present instance the Hoover Administration has not only been facing the normal opposition of the opposing political party, but also the opposition of a group of independents in its own party.

#### *The Coming Congressional Election*

Some of this opposition has been due to the fact that 1930 is an election year, in which the entire membership of the House and one-third of the membership of the Senate will be voted upon.

Senators and Representatives of both parties are anxious to make records at this session which will be approved by the voters in November. But what the political results of one set of tactics or the other will be determined only when the voters themselves have a chance to express their views at the polls.

With the exception of the tariff, prohibition has been the subject of the greatest amount of discussion at the Capitol during the session, but, as is explained in detail in this issue of the *Digest*, there has been a great deal of talk on this subject and very little action.

#### *Adjournment in Time Hoped For*

To sum up the situation, as the *Digest* goes to press, it seems probable that the Senate will pass the Tariff Bill on or about April 1; that the bill will come back from conference to the two Houses by May 15.

In the meantime, the Muscle Shoals Bill will be made the unfinished business of the Senate but without any hope of action on it at this session, and that the House and Senate will confine themselves to passing the appropriation bills as rapidly as possible.

When the Tariff Bill comes out of conference all concerned will bend their efforts toward cleaning up the work of passing the Tariff Bill, and that the Senate will pass the Prohibition Enforcement Reorganization Act and that adjournment will be had some time early in June.



## Action Taken by Congress

### A Daily Summary of the Proceedings of the House and Senate

January 21, 1930 to February 20, 1930

**Note**—This department contains a record of action on the floor of the House and the Senate. By following it from month to month the reader obtains a compact but complete review of the work actually done by Congress throughout the session. The principal abbreviations used are the following: H. R. means House bill; H. Res. means House Resolution; H. J. Res. means House Joint Resolution; H. Con. Res. means House Concurrent Resolution; S. means Senate Bill; S. Res., Senate Resolution; S. J. Res., Senate Joint Resolution, and S. Con. Res., Senate Concurrent Resolution. If reference is made to the consideration or action by the Senate of a House bill or resolution, it means that the House has passed it and sent it to the Senate, and vice versa.

#### Tuesday, January 21, 1930

##### Senate:

Agreed to House Amendment to S. 1784, authorizing a larger appropriation for the improvement of Government owned lands at Wakefield, Westmoreland Co., Va., the birthplace of George Washington.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Smoot, Utah, R., Copeland, N. Y., D., Bingham, Conn., R., Walsh, Mass., D., spoke on the bill.

Mr. Johnson, Calif., R., and Mr. Fletcher, Fla., D., were appointed members of the Joint Select Committee for the disposition of useless papers in the Department of Commerce.

Recessed.

##### House:

Representative Cramton, Mich., R., spoke on the subject of denaturants in industrial alcohol in regard to H. R. 8815.

Representative Tucker, Ky., L., in presenting a statue of Wade Hampton, former Senator from South Carolina, spoke on his life and accomplishments.

Agreed to H. Res. 124, to discuss H. R. 5616, to authorize appropriations for Federal aid in the States for highway construction, increasing the appropriation from \$75,000,000 to \$125,000,000 each year for three years and passed the bill.

Adjourned.

#### Wednesday, January 22, 1930

##### Senate:

Passed S. 64, authorizing the Secretary of War to secure for the United States title to certain private lands contiguous to and within the Militia Target Range Reservation, Utah.

Disagreed to House Amendments to S. J. Res. 7, for the appointment of a joint committee of the House and Senate to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey and the Public Health Service.

Messrs. McMaster, S. D., R., Hatfield, W. Va., R., and Fletcher, Fla., D., were appointed conferees on the part of the Senate.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Oddie, Nev., R., Goldsborough, Md., R., Howell, Nebr., R., and others spoke on the bill.

Discussed amendments made to H. J. Res. 170, providing for a commission to study and review policies of the United States in Haiti.

Open executive session.

Recessed.

##### House:

Passed H. R. 6807, authorizing the establishment of two institutions for confinement of United States prisoners, one is proposed for the Northeastern section of the United States and the other west of the Mississippi River.

The bill provides that activities of inmates in the prisons be used in work for the United States Government and that sale of their products shall not be in competition with work done in Government shops.

Passed H. R. 7413, amending an act providing for the parole of United States prisoners, approved June 25, 1910, by creating a single board of parole of three members appointive by the Attorney General at \$7,500 each per annum to take over the power and authority now vested in the Attorney General and the several existing parole boards.

Passed H. R. 7412, providing for diversification of employ-

ment of Federal prisoners, and their training and schooling in trades and occupations.

Passed H. R. 7832, to reorganize administration of Federal prisons, to authorize the Attorney General to contract for the care of United States prisoners and to establish Federal jails.

Passed H. R. 7410, to establish a hospital for defective delinquents.

Passed H. R. 3875, requiring that Federal probation agents must be Civil Service appointees.

Passed H. R. 7585, authorizing the appointment of reporters in the Courts of the United States and fixing their duties and compensations.

Passed H. R. 7822, regarding the appointment of commissioners by the Court of Claims.

Passed several other bills on the calendar.

Adjourned.

#### Thursday, January 23, 1930

##### Senate:

Messrs. Hale, Me., R., and Swanson, Va., D., were appointed members of the Joint Select Committee for Disposition of Useless Papers in the Navy Department.

Passed S. 2005, authorizing the Secretary of the Treasury to donate to the city of Oakland, Calif., the Coast Guard Cutter "Bear," to be used as a nautical training ship.

Discussed S. Con. Res. 14, providing for an appropriation of \$1,000 for a naval medical officer for the House of Representatives and the Senate.

Messrs. Walsh, Mass., D., Copeland, N. Y., D., and others spoke on the resolution.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Walsh, Mass., D., Kendrick, Wyo., D., Barkley, Ky., D., and others spoke on the bill.

Recessed.

##### House:

Representatives Snell, N. Y., R., Purnell, Ind., R., and Pour, N. C., D., were appointed conferees on the part of the House on S. J. Res. 7, for an investigation of the pay and allowances to certain personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

Representative Aswell, La., D., spoke on the operations of the Federal Farm Board.

Representatives Sirovich, N. Y., D., and Cellar, N. Y., D., spoke on the prohibition question.

Representative Summers, Tex., D., and others discussed the Constitutional power of the Federal Government to rid itself of the Philippine Islands.

Representative Mead, N. Y., D., spoke on H. R. 6603, providing for shorter working hours for postal employees.

Agreed, by a vote of 205 to 118, to H. Res. 125, authorizing the President to appoint a commission on conservation and administration of the Public Domain.

Debated H. R. 6153, authorizing the President to appoint a commission to study and report on the conservation and administration of the public domain.

Adjourned.

#### Friday, January 24, 1930

##### Senate:

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Oddie, Nev., R., Copeland, N. Y., D., Borah, Idaho, R., Walsh, Mass., D., Ashurst, Ariz., D., Steiwer, Oreg., R., Thomas, Okla., D., Norris, Nebr., R. and others spoke on the bill.

Agreed to several amendments to the tariff bill in regard to the rate of duty on wools and hides.  
Recessed.

**House:**

Representative Linthicum, Md., D., spoke on H. R. 14, advocating the Congressional adoption of the Star Spangled Banner as the National anthem.

Representative Hastings, Okla., D., spoke on H. R. 7240, authorizing an expenditure of \$20,000,000 for improving the Arkansas River from Tulsa, Okla., to the point where it flows into the Mississippi River, for the restoration of navigation.

Resumed consideration of and passed by a vote of 243 to 107, (not voting, 77), H. R. 6153, authorizing the President to appoint a commission to study and report on the conservation and administration of the public domain.

Messrs. Green, Fla., D., Arentz, Nev., R., Evans, Mont., D., Leavitt, Mont., R., Johnson, Wash., R., McClintic, Okla., D., and others spoke on the bill.

Agreed to H. Res. 114, authorizing the Committee on Interstate Commerce to investigate ownership or control of railroads by holding companies, investment trusts, etc.

Began consideration of H. R. 8960, the State, Justice, Judiciary, Commerce, and Labor Departments appropriation bill.

Agreed to H. Res. 135, electing Representative Rutherford, Ga., D., a member of the standing committee of the House on Insular Affairs.

Adjourned.

**Saturday, January 25, 1930****Senate:**

Messrs. Copeland, N. Y., D., Ashurst, Ariz., D., and others spoke on the occasion of the birthday of the Vice President, Charles Curtis.

Mr. McKellar, Tenn., D., spoke opposing the secret sessions of the London Naval Conference.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Copeland, N. Y., D., Norris, Nebr., R., Walsh, Mass., D., Couzens, Mich., R., and others spoke on the bill.

Recessed until Monday, January 27, as a further mark of respect to Mrs. Rebecca Felton, a former Senator from the State of Georgia.

**House:**

Resumed consideration of H. R. 8960, making appropriations for the Departments of State, Justice, Judiciary, Commerce and Labor.

Representatives Ackerman, N. J., R., Rutherford, Ga., D., Mead, N. Y., D., Dyer, Mo., R., and others spoke on the bill.

Representatives Cox, Ga., D., spoke on prohibition in regard to killings by prohibition agents and the removal of their cases from State to Federal Courts.

Representative Whittington, Miss., D., spoke on the need of a tariff duty on long-staple cotton, especially in view of increasing imports.

Representative McKeown, Okla., D., spoke on what he called the decreasing population of Alaska.

Delegate Sutherland, Alaska, R., spoke in regard to American tourists and the fishing situation in Alaska, stating that he regarded it as a discrimination against Alaskans in their own territory under the restraints of the present law.

Adjourned until Monday, January 27, 1930.

**Monday, January 27, 1930****Senate:**

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Jones, Wash., R., Hastings, Del., R., Wheeler, Mont., D., Norris, Nebr., R., Simmons, N. C., D., and others spoke on the bill.

Passed S. 3168, amending the act for the construction, etc., of a Mount Vernon-Arlington Memorial Bridge Highway.

Recessed.

**House:**

On observing the 100th anniversary of Daniel Webster's famous reply to Senator Hayne, Representative Underhill, Mass., R., stated: "Sedition is being preached throughout the land; the Constitution is being disregarded."

Representative Cramton, Mich., R., spoke on H. R. 26, regarding the proposed George Washington Memorial Parkway project.

Representative Dempsey, N. Y., R., spoke in relation to the proposed navigation of the Potomac River.

Passed S. 234, to provide books and school supplies free

of charge to public school pupils in the District of Columbia.  
Resumed consideration of H. R. 8960, the Departments of Justice, State, Judiciary, Commerce and Labor appropriation bill.  
Adjourned.

**Tuesday, January 28, 1930****Senate:**

Messrs. Bingham, Conn., R., McKellar, Tenn., D., Bratton, N. Y., D., and others discussed the investigation of accidents in civil aviation.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Sheppard, Tex., D., Broussard, La., D., Copeland, N. Y., D., Blaine, Wis., R., and others spoke on the bill.

Executive session.

Recessed.

**House:**

Resident Commissioner of Porto Rico, Mr. Davila, spoke on the situation in Porto Rico.

Representative Celler, N. Y., D., Oliver, Ala., D., and others spoke on prohibition.

Resumed consideration of H. R. 8960, the State, Justice, Judiciary, Commerce and Labor Departments appropriation bill.

Representatives La Guardia, N. Y., R., Stafford, Wis., R., Oliver, Ala., D., Shreve, Pa., R., and others spoke on the bill.

Adjourned.

**Wednesday, January 29, 1930****Senate:**

Mr. Bratton, N. Mex., D., spoke on S. 1800, the proposed investigation of accidents in civil aviation.

Messrs. Tydings, Md., D., Dill, Wash., D., Bingham, Conn., R. and others spoke on Philippine Independence and the immigration of Filipinos.

Passed S. 3152, to legalize a combined sewer and submarine cable constructed under the Grand River near the pumping station on Market Avenue, at Grand Rapids, Mich.

Passed H. R. 5616, increasing from \$75,000,000 to \$125,000,000 the appropriation for Federal aid in the construction of rural post-roads.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Walsh, Mass., D., Barkley, Ky., D., Copeland, N. Y., D., Smith, Utah, D., Heflin, Ala., D., and others spoke on the bill.

Passed H. J. Res. 217, making an additional appropriation of \$106,000 for the Federal Radio Commission.

Recessed.

**House:**

Passed H. J. Res. 217, making an additional appropriation of \$106,000 for the Federal Radio Commission.

Representative McClintock, Ohio, R., spoke in memory of President McKinley.

Resumed consideration of and passed H. R. 8960, the State, Justice, Judiciary, Commerce, and Labor Departments appropriation bill.

Representatives Stafford, Wis., R., La Guardia, N. Y., R., Cole, Miss., R., McKeown, Okla., D., Johnson, Wash., R., and others spoke on the bill.

Resident Commissioner of the Philippine Islands, and Representative Box, Tex., D., spoke on Philippine Independence.

Adjourned.

**Thursday, January 30, 1930****Senate:**

Mr. Blease, S. C., D., spoke on prohibition enforcement in the District of Columbia.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Wheeler, Mont., D., Walsh, Mass., D., Copeland, N. Y., D., Tydings, Md., D., Bingham, Conn., R. and others spoke on the bill.

Mr. McKellar, Tenn., D., spoke on the Women's Patriotic Conference on Naval Defense, held at the D. A. R. Hall, Washington, D. C., on January 29, 1930.

Mr. Brookhart, Iowa, R., spoke on prohibition.

Resumed consideration of H. R. 2667, the tariff bill.

Recessed.

**House:**

Agreed to conference report on S. J. Res. 7, for the investigation of pay and allowances of certain commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey and the Public Health Service.

Representative Greenwood, Ind., R., delivered a speech in which he told of the unprecedented floods in southwestern Indiana.

Representative O'Connell, N. Y., D., spoke on the new airport at Brooklyn, N. Y., to be known as the Floyd Bennett Field in honor of the late Floyd Bennett who gave his life on a mission of rescue.

Passed, by a vote of 190 to 24 H. R. 26, authorizing an appropriation for acquisition, establishment and development of the George Washington Memorial Parkway, along the Potomac from Mount Vernon and Fort Washington to Great Falls.

Adjourned.

### Friday, January 31, 1930

#### Senate:

Messrs. Borah, Idaho, R., and Swanson, Va., D., were appointed members of the Joint Select Committee for disposition of useless papers in the State Department.

Messrs. Harris, Ga., D., McKellar, Tenn., D., George, Ga., D., and others spoke on the speculative prices on cotton.

Mr. Vandenberg, Mich., R., and others spoke on S. 3379, relating to Philippine Independence.

Mr. Bingham, Conn., R., spoke on the Filipino immigration situation.

Agreed to conference report on S. J. Res. 7, for the investigation of the pay and allowances of certain enlisted and commissioned personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey and Public Health Service.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. McMaster, S. Dak., R., Harrison, Miss., D., Copeland, N. Y., D., Walsh, Mass., D., McKellar, Tenn., D., and others spoke on the bill.

Mr. Fletcher, Fla., D., spoke on the Mediterranean fruit fly.

Discussed speculative prices of cotton.

Executive session.

Recessed.

#### House:

Representative Nelson, Wis., R., spoke on Philippine Independence.

Representative Fort, N. J., R., spoke on prohibition.

Began consideration of H. R. 6, regarding the definition, sale, importation and tax on oleomargarine.

Adjourned.

### Saturday, February 1, 1930

#### Senate:

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Copeland, N. Y., D., Smoot, Utah, R., Shortridge, Calif., Fletcher, Fla., D., Deneen, Ill., R., Barkley, Ky., D., Johnson, Calif., R., Norris, Nebr., R., Blaine, Wis., R., Borah, Idaho, R., Swanson, Va., D., and others spoke on the bill.

Recessed.

#### House:

Agreed to H. Res. 134, appropriating \$25,000 for the expenses for an investigation of Interstate and Foreign Commerce.

Representative Leavitt, Mont., R., spoke on the Forest Service, as the first day of February, 1930, is the twenty-fifth anniversary of the Forest Service as now constituted.

Representative Crisp, Ga., D., spoke on the Eighteenth Amendment.

Representative Lehlbach, N. J., R., spoke on prohibition.

Representatives Johnson, S. D., R., Hope, Kans., R., Linthicum, Md., D., Rankin, Miss., D., and others spoke on H. R. 6, the oleomargarine bill.

Adjourned.

### Monday, February 3, 1930

#### Senate:

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. La Follette, Wis., R., Hatfield, W. Va., R., and others spoke on the bill.

Received from the President of the United States the nomination of Charles Evans Hughes to be Chief Justice of the United States.

Recessed.

#### House:

Passed H. R. 5688, authorizing members of the Civil Service Commission and its duly authorized representatives to administer oaths of office.

Passed H. R. 4849 providing for the purchase of a bronze bust of the late Lieut. James Melville Gilliss, United States

Navy, to be presented to the Chilean National Observatory.

Passed H. R. 6131, authorizing the Secretary of the Interior to erect a monument on the site of the battle between Nez Percés Indians under Chief Joseph and the command of Nelson A. Miles.

Agreed to S. J. Res. 98, granting authority for the erection of a permanent building at the headquarters of the American National Red Cross, Washington, D. C.

Passed H. J. Res. 195, authorizing and requesting the President to invite representatives of the government of the countries members of the Pan American Union to attend an Inter-American Conference on Agriculture, Forestry, and Animal Industry, and providing for the expenses of such meeting.

Passed H. J. Res. 207, authorizing an appropriation of \$5,000 for the participation by the Government of the United States in the Inter-American congress of Rectors, Deans, and Educators in General, to be held at Habana, Cuba, on February, 20, 1930.

Passed several bridge bills and other bills on the calendar.

Adjourned.

### Tuesday, February 4, 1930

#### Senate:

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Hawes, Mo., D., Goff, W. Va., R., Robinson, Ind., R., Fess, Ohio, R., La Follette, Wis., R., Harrison, Miss., D., and others spoke on the bill.

Passed S. 3371, amending the Judicial Code relating to the terms of Federal Court in Michigan.

Agreed to House Amendments to H. J. Res. 170, providing for a commission to study and review the policies of the United States in Haiti.

Agreed to House amendments to S. J. Res. 98, granting authority for the erection of a permanent building at the headquarters of the American National Red Cross, Washington, D. C.

Recessed.

#### House:

Discussed the use of Denaturants in Industrial Alcohol.

Representatives Davenport, N. Y., R., Luce, Mass., R., and others spoke on the Tariff Commission and the Tariff Revision.

Passed several relief bills on the Private Calendar.

Adjourned.

### Wednesday, February 5, 1930

#### Senate:

Mr. Robinson, Ind., R., under the provisions of S. Res. 20, submitted a report of the Special Committee on lobbyists and lobby investigations.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Copeland, N. Y., D., Shortridge, Calif., R., Barkley, Ky., D., Smoot, Utah, R., Hatfield, W. Va., R., Hawes, Mo., D., La Follette, Wis., R., Harrison, Miss., D., and others spoke on the bill.

Recessed.

#### House:

Passed H. J. Res. 242, making an appropriation of \$5,386,367, for the pilgrimage of mothers and widows of deceased soldiers, sailors, and marines of the American forces interred in cemeteries of Europe.

Passed H. J. Res. 241, making an additional appropriation of \$31,400,000 for the construction of rural post roads.

Passed H. J. Res. 240, making an appropriation of \$587,500, to enable the Secretary of Agriculture to meet an emergency caused by an outbreak of the pink bollworm in the State of Arizona.

Passed H. R. 9235, authorizing the Public Health Service to provide medical service in the Federal prisons.

Passed H. R. 742, to prevent desecration of the Flag and Insignia of the United States and to provide punishment therefor.

Passed H. R. 119, the National Stolen Property Law, prohibiting the sending and receipt of stolen property through interstate and foreign commerce.

Adjourned.

### Thursday, February 6, 1930

#### Senate:

Passed H. J. Res. 242, making an appropriation of \$5,386,367, for the pilgrimage of mothers and widows of deceased soldiers,



sailors, and marines of the American forces interred in European cemeteries.

Passed H. J. Res. 240, making an appropriation of \$587,500, to enable the Secretary of Agriculture to meet an emergency caused by an outbreak of the pink bollworm in the State of Arizona.

Mr. Wagner, N. Y., D., spoke in comment of the report of the Law Enforcement Commission.

Agreed to S. Res. 208, expressing the good wishes of the Senate to the President of Mexico.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. La Follette, Wis., R., Copeland, N. Y., D., Harrison, Miss., D., George, Ga., D., Black, Ala., D., and others spoke on the bill.

Mr. Blease, S. C., D., spoke on the present conditions in the District of Columbia.

Executive session.

Recessed.

#### House:

Representative Patterson, Ala., D., spoke on the life and achievements of the late President Woodrow Wilson.

Passed by a vote of 245 to 74, H. R. 6, the oleomargarine bill.

Agreed to H. Res. 142, that the House resolves itself into a Committee of the Whole House on the State of the Union for the consideration of H. R. 8574, a bill to transfer to the Attorney General certain functions in the administration of the national prohibiting act, and to create a Bureau of Prohibition in the Department of Justice.

Representatives Williamson, S. D., R., Montet, La., R., Igou, Ill., D., Clancy, Mich., R., Schafer, Wis., R., and others spoke on the bill.

Adjourned.

### Friday, February 7, 1930

#### Senate:

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Norris, Nebr., R., Bingham, Conn., R., Allen, Kans., R., Swanson, Va., D., La Follette, Wis., R., Caraway, Ark., D., and others spoke on the bill.

Discussed the personal privilege of a Senator, in a debate on the floor of the Senate, in regard to referring offensively to any State of the Union.

Recessed.

#### House:

Agreed to H. Res. 145, expressing regret of the House of Representatives at the illness of former President and former Chief Justice William H. Taft.

Representative Collins, Miss., D., spoke on the Library of Congress and the offer to purchase a wonderful collection of certain fifteenth-century printing, including an only copy of the Gutenberg Bible.

Representative Beck, Pa., R., spoke on the Revolt against Prohibition.

Representatives Hull, Ill., R., Stone, Okla., R., Wood, Ind., R., Tarver, Ga., D., Cochran, Mo., D., Black, N. Y., D., and others spoke on the reorganization of prohibition.

Adjourned.

### Saturday, February 8, 1930

#### Senate:

Passed S. 3398, for the publication of the writings of George Washington.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Goff, W. Va., R., La Follette, Wis., R., Fess, Ohio, R., Wheeler, Mont., R., and others spoke on the bill.

Mr. Smith, C. S., D., spoke on the cotton market and the Farm Board.

Recessed.

#### House:

Resumed consideration of and passed H. R. 8574, to transfer to the Attorney General certain functions in the administration of the national prohibition act, and to create a bureau of prohibition in the Department of Justice.

Representatives Williamson, S. D., R., Cramton, Mich., R., Clancy, Mich., R., Cochran, Mo., D., and others spoke on the bill.

Adjourned.

### Monday, February 10, 1930

#### Senate:

Discussed as to whether there would be a session of the

Senate on February 12, 1930, Lincoln's birthday.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. La Follette, Wis., R., Barkley, Ky., D., Capper, Kans., R., Walsh, Mass., D., Hayden, Ariz., D., Copeland, N. Y., D., and others spoke on the bill.

Discussed prohibition enforcement.

Executive session.

Recessed.

#### House:

Agreed to H. Res. 139, for hearings to determine the estimates of appropriations for the eradication of the Mediterranean fruit fly.

Agreed to H. Res. 141, for an investigation by the Committee on Banking and Currency of Chain, Group and Branch Banking to obtain information necessary as a basis for legislative purposes.

Began consideration of H. R. 9546, the Independent Offices Appropriation bill.

Representative McFadden, Pa., R., spoke on the International Bank of Settlements.

Adjourned.

### Tuesday, February 11, 1930

#### Senate:

Passed S. J. Res. 137 for relief in crop-failure areas of Montana.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Barkley, Ky., D., Smoot, Utah, R., Goff, W. Va., D., Bingham, Conn., R., McMaster, S. D., R., and others spoke on the bill.

Executive session.

Recessed.

#### House:

Passed H. J. Res. 247, appropriating \$50,000 for study of policies of the United States in Haiti.

Passed H. J. Res. 245, for the redemption of Federal Reserve and National-Bank Currency.

Representative Chalmers, Ohio, R., spoke on the stabilization of the Great Lakes water levels.

Representative Bland, W. Va., D., spoke on the National Advisory Committee for Aeronautics.

Representative Dicstein, N. Y., D., spoke on Soviet Russia.

Representative Hooper, Mich., R., spoke on conditions in Porto Rico.

Representative Green, Fla., D., spoke on the proposed canal across Florida, connecting the intracoastal waterway of the Atlantic Ocean with that of the Gulf of Mexico, and several other matters regarding his State.

Adjourned.

### Wednesday, February 12, 1930

#### Senate:

Mr. Smoot, Utah, R., and others spoke on the life of Abraham Lincoln.

Open Executive Session.

Messrs. Dill, Wash., D., Shortridge, Calif., R., Brookhart, Iowa, R., Glenn, Ill., R., Connally, Tex., D. and others spoke on the nomination of Charles Evans Hughes, to be Chief Justice of the United States.

Recessed.

#### House:

Passed several relief bills on the private calendar.

Adjourned.

### Thursday, February 13, 1930

#### Senate:

Open executive session.

Messrs. Nye, N. D., R., La Follette, Wis., R., Norris, Nebr., R., Ransdell, La., D., Hawes, Mo., D., George, Ga., D., Walsh, Mont., D., and others spoke on the nomination of Charles Evans Hughes, to be Chief Justice of the United States.

Consented to the nomination by a vote of 52 to 26, not voting, 18.

Recessed.

#### House:

Representative Kincheloe, Ky., D., spoke on the expansion of our country and the concentration of our Government.

Resumed consideration of H. R. 9546, the Independent Offices

Bill. Messrs. La Guardia, N. Y., R., Treadway, Mass., R., Simmons, Nebr., R., Wason, N. H., R., and others spoke on the bill.  
Adjourned.

### Friday, February 14, 1930.

#### Senate:

Mr. Dill, Wash., D., and others discussed the Supreme Court in Politics.

Messrs. Bratton, N. Mex., D., Bingham, Conn., R., and others spoke on accidents in commercial aviation.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Barkley, Ky., D., Fletcher, Fla., D., Couzens, Mich., R., Black, Ala., D., Shortridge, Calif., R. and others spoke on the bill.

Executive session.

Recessed.

#### House:

Resumed consideration of and passed H. R. 9546, the Independent Offices appropriation bill.

Messrs. Swing, Calif., R., Patman, Tex., D., Byrns, Tenn., D., Rayburn, Tex., D., Woodrum, Va., D., Davis, Tenn., D., and others spoke on the bill.

Adjourned.

### Saturday, February 15, 1930.

#### Senate:

Passed several bridge bills.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Smoot, Utah, R., Barkley, Ky., D., and others spoke on the bill.

Recessed until Monday, February 17, 1930.

#### House:

Representatives Beedy, Maine, R., LaGuardia, N. Y., R., Sproul, Kans., R., and others spoke on the enforcement of the Eighteenth Amendment.

Adjourned until Monday, February 17, 1930.

### Monday, February 17, 1930.

#### Senate:

Passed H. J. Res. 207, authorizing an appropriation of \$5,000 to defray the expenses of participation by the Government of the United States in the Inter-American Congress of Rectors, Deans, and Educators, in general to be held at Habana, Cuba, February 20, 1930.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Smoot, Utah, R., Barkley, Ky., D., Kean, N. J., R., Walsh, Mont., D., Norris, Nebr., R., and others spoke on the bill.

Executive session.

Confirmed several nominations.

Recessed.

#### House:

Passed H. R. 5693, providing for retired pay for certain members of the former Life Saving Service equivalent to retired pay granted to members of the Coast Guard.

Passed H. J. Res. 197, authorizing the purchase of a motor life-boat with its equipment and necessary spare parts, from foreign life-saving services.

Administered the oath of office to Mr. Granfield, newly elected Representative from Massachusetts.

Passed H. J. Res. 205 providing an appropriation of \$30,000 to provide for the expenses of participation by the United States in the International Fur Trade Exhibition, Germany, 1930.

Passed H. R. 8368, providing for a study regarding the construction of a highway to connect the United States and British Columbia.

Passed by a vote of 260 to 28 (Not voting, 140), H. R. 9860, the Omnibus bridge bill.

Passed several other bills on the calendar.

Adjourned.

### Tuesday, February 18, 1930.

#### Senate:

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Harrison, Miss., D., and Watson, Ind., R., and others spoke on the business of the session.

Passed H. J. Res. 252, making an additional appropriation of \$30,000 for maintenance of the Senate Office Building, until June 30, 1930.

Messrs. Patterson, Mo., R., Pittman, Nev., D., Vandenberg, Mich., R., Copeland, N. Y., D., and others spoke on H. R. 2667, the tariff bill.

Recessed.

#### House:

Resumed consideration of H. R. 9979, the urgent deficiency appropriation bill.

Representatives Murphy, Ohio, D., Rankin, Miss., D., and Connery, Mass., D., spoke on the economic conditions in this country.

Representative Jenkins, Ohio, R., spoke on the application of immigration quotas to Mexico and other American countries.

Representative Arnold, Ill., D., spoke on the recent floods in Illinois, asking that a reservoir be provided to control the situation.

Representative Dickstein, N. Y., D., spoke on the present immigration laws as unfair.

Camilio Osias, Resident Commissioner, urged immediate Philippine Independence.

Passed S. 3398, providing an appropriation of \$357,000 for printing and distribution of memorial publications and pictures in connection with the bicentennial celebration of George Washington's birthday.

Adjourned.

### Wednesday, February 19, 1930.

#### Senate:

Agreed to S. J. Res. 142, appointing Charles Augustus Stone, of New York, a member of the Board of Regents of the Smithsonian Institute.

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Copeland, N. Y., D., Walsh, Mass., D., Goldsborough, Md., R., and others spoke on the bill.

Executive session.

Recessed.

#### House:

Representative McFadden, Pa., R., spoke on Farm Land Banks.

Passed H. R. 8877, amending section 9, of the Federal reserve act regarding withdrawal of State banks from Federal Reserve System.

Passed H. R. 6604, amending sections 6 and 9, of the Federal reserve act, regarding stock of insolvent member banks of the Federal Reserve Board.

Adjourned.

### Thursday, February 20, 1930.

#### Senate:

Resumed consideration of H. R. 2667, the tariff bill.

Messrs. Hawes, Mo., D., Harrison, Miss., D., Blaine, Wis., R., Copeland N. Y., D., Johnson, Calif., R., and others spoke on the bill.

Mr. Fletcher, Fla., D., spoke on the Rhodes Scholarships.

Executive session.

Confirmed several nominations.

Recessed.

#### House:

Resumed consideration of H. R. 9979, the Urgent Deficiency Appropriation bill.

Representatives White, Me., R., Wolverton, W. Va., R., Wood, Ind., R., Green, Fla., D., and others spoke on the bill.

Adjourned.

# EXECUTIVE DEPARTMENT

## The White House Calendar

January 22 to February 20

### Proclamations

*January 22*—A proclamation of the Arbitration treaty with Lithuania.

*January 22*—A proclamation of the Conciliation treaty with Lithuania.

*February 24*—A proclamation for the Observance of the Covered Wagon Centennial, April 10 to December 29, 1930.

### Executive Orders

*January 23*—An executive order restricting for the time being the introduction of parrots into the United States.

*January 25*—An executive order restoring to the Territory of Hawaii a part of Fort Ruger Military Reservation, Hawaii.

*January 25*—An executive order restoring to the Territory of Hawaii a part of the military reservation of Punchbowl Hill, Hawaii.

*January 25*—An executive order fixing salary of Judge James Waldron Remick as War Claims Arbiter at \$10,000.

*January 27*—An executive order creating a Board of Surveys and Maps, amended by addition of Bureau of Lighthouses, Department of Commerce.

*February 18*—An executive order establishing airspace reservations over certain harbors as prohibited areas for civil aircraft.

*February 24*—An executive order designating Fort Pierce, Florida, as a customs port of entry in District No. 18.

### Important Civilian Appointments

*January 22*—Alexander P. Moore, of Pennsylvania, to be Ambassador of the United States of America to Poland.

*January 22*—Edward E. Brodie, of Oregon, to be Envoy of the United States of America to Finland.

*January 22*—Frank B. W. Welch, of Portland, Me., to be surveyor of customs in customs collection district No. 1, with headquarters at Portland, Me.

*January 27*—Donald F. McGonigal, of New York, to be a Foreign Service officer, a vice consul of career and a secretary in the Diplomatic Service of the United States.

*January 27*—Frank C. Tracey, of San Francisco, Calif.,

to be surveyor of customs in customs collection district No. 28, with headquarters at San Francisco, Calif.

*January 28*—Fred Morris Dearing, of Missouri, to be Ambassador of the United States to Peru.

*January 28*—Inslee C. King, of Tennessee, to be U. S. marshal, eastern district of Tennessee.

*January 28*—Daniel F. Breitenstein, of New York, to be U. S. marshal, northern district of New York.

*January 28*—William J. Williams, of Ohio, to be a U. S. marshal, northern district of Ohio.

*January 31*—Charles B. Rugg, of Massachusetts, to be Assistant Attorney General of the United States.

*January 31*—Fred C. Wetmore, of Michigan, to be U. S. Attorney, western district of Michigan.

*February 3*—Charles Evans Hughes, of New York, to be Chief Justice of the United States.

*February 4*—Claude H. Hall, Jr., of Maryland, to be a secretary in the Diplomatic Service of the United States.

*February 6*—Maynard B. Barnes, of Iowa; J. Rives Childs, of Virginia; Edward P. Lawton, Jr., of Georgia, to be secretaries in the Diplomatic Service of the United States.

*February 6*—Kenneth S. Patton, of Virginia, to be a Consul General of the United States.

*February 6*—Nellie Gregg Tomlinson, of Des Moines, Iowa, to be collector of customs for customs collection district No. 44, with headquarters at Des Moines, Iowa.

*February 8*—Herman Bernstein, of New York, to be Envoy of the United States to Albania.

*February 8*—Sardies Mason Brewster, of Kansas, to be U. S. Attorney, district of Kansas.

*February 8*—Walter C. Feters, of Pennsylvania, to be U. S. marshal, eastern district of Pennsylvania; Donald H. MacIvor, of Kansas, district of Kansas; David T. Ham, of Washington, eastern district of Washington.

*February 8*—Hugh M. Tate, of Tennessee, to be Interstate Commerce Commissioner.

*February 8*—Richmond B. Keech, of the District of Columbia, to be additional counsel of the Public Utilities Commission of the District of Columbia, to be known as the people's counsel.

*February 10*—Wellington D. Rankin, of Montana, to be U. S. Attorney, district of Montana.

*February 17*—James C. H. Bonbright, of New York, to be a secretary in the Diplomatic Service of the United States.



*February 17*—Collins B. Allen, of Salem, N. J., to be comptroller of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa.

*February 18*—Everett E. Neal, of Noblesville, Ind., to be collector of internal revenue for the district of Indiana.

*February 20*—Waldo E. Bailey, of Mississippi, to be a foreign service officer; a vice consul of career, and a secretary in the Diplomatic Service of the United States.

*February 20*—Thomas D. Thacher, of New York, to be Solicitor General.

### Messages to Congress

*January 22*—A communication from the President of the United States transmitting supplemental estimate of appropriation, in the amount of \$25,000, pertaining to the legislative establishment, United States Senate.

*January 22*—A communication from the President of the United States transmitting supplemental estimate of appropriation, amounting to \$11,250, for the Department of State for the fiscal year 1930.

*January 23*—A communication from the President of the United States transmitting supplemental estimate of appropriation, amounting to \$300,000, for the Porto Rican Hurricane Relief Commission.

*January 24*—A communication from the President of the United States transmitting deficiency estimate of appropriations of \$5,700, for the Navy Department for the fiscal year June 30, 1931.

*January 24*—A communication from the President of the United States transmitting deficiency estimate of appropriation of \$125.50 pertaining to the legislative establishment, House of Representatives.

*January 24*—A communication from the President of the United States transmitting deficiency estimate of appropriation for the Personnel Classification Board for the fiscal year 1930, amounting to \$20,000.

*January 24*—A communication from the President of the United States transmitting supplemental estimate of appropriation of \$60,000 for the Department of Agriculture.

*January 24*—A communication from the President of the United States transmitting draft of proposed legislation affecting an existing appropriation of the War Department.

*January 27*—A communication from the President of

the United States transmitting supplemental estimate of appropriation, amounting to \$65,000, for the Department of the Interior, National Park Service.

*January 31*—A communication from the President of the United States transmitting supplemental estimate of appropriation of \$587,500, for the Department of Agriculture, for control of the pink bollworm.

*January 31*—A communication from the President of the United States transmitting two supplemental estimates of appropriation, amounting to \$125,000, for the War Department.

*February 6*—A communication from the President of the United States transmitting supplemental estimate of appropriation of \$50,000, for the Department of State.

*February 7*—A communication from the President of the United States transmitting supplemental estimate of appropriation of \$45,000, for the Treasury Department.

*February 7*—A communication from the President of the United States transmitting supplemental estimate of appropriation of \$128,500, for the Department of Interior, Bureau of Indian Affairs.

*February 17*—A communication from the President of the United States transmitting supplemental estimate of appropriation of \$3,500, for the Smithsonian Institution.

*February 17*—A communication from the President of the United States transmitting draft of proposed legislation affecting existing appropriations for the Treasury Department.

*February 17*—A communication from the President of the United States transmitting supplemental estimate of appropriation of \$2,378, pertaining to the legislative establishment under the Architect of the Capitol.

*February 17*—A communication from the President of the United States transmitting supplemental estimate of appropriation, amounting to \$1,000, for the Post Office Department.

*February 17*—A communication from the President of the United States transmitting supplemental estimate of appropriation of \$21,333, for the Office of Public Buildings and Public Parks of the National Capital.

*February 18*—A communication from the President of the United States transmitting supplemental estimate of appropriation of \$10,000, for the Executive Office.

*February 20*—A communication from the President of the United States transmitting supplemental estimate of appropriation of \$5,000, for the Department of State.

### Comments on the Bill

*Continued from page 79*

I do not expect action on my bill at this session of Congress, because I want the Attorney General to consider its provisions carefully before it is put in final shape. The Attorney General has already offered some criticisms and

suggestions to the Senate Committee on the District of Columbia, to which my bill was referred, and after the Committee has carefully considered all phases of the problem I think we will have a good sound piece of legislation that will be acceptable to both Houses of Congress and that will result in vastly improved prohibition enforcement for the District of Columbia.

By Hon. William D. Mitchell  
*Attorney General of the United States*

1. In his bill, Senator Howell has added a provision to section 10 which allows search warrants to issue in the District of Columbia to enter dwellings if a still is unlawfully set up or used therein or if liquor is unlawfully delivered thereto or removed therefrom. The national prohibition act now allows searching of dwellings only if there be proof that liquor is being sold therein. The effect of Senate bill 3344 would be to subject the dwellings of persons residing in the District of Columbia

to more drastic searches than Congress has authorized in the United States, Alaska and some of the insular possessions.

I do not believe this discrimination would be justified. It is true that in some States local State legislatures have made more drastic provision for search of dwelling than has Congress in the national prohibition act, but that does not seem to justify lack of uniformity in Federal legislation. Furthermore, in my judgment effort to improve the enforcement of the national prohibition act may better be expended, at least for the present, in other directions

than in an attempt to make more drastic the provisions for searching private dwellings, an attempt which would arouse controversy with doubtful results.

2. In Senate bill 3344 there has been added in section 10, a provision that if the Government makes an illegal seizure of liquor it shall not be returned unless the claimant is able to show he possessed it lawfully.

A serious constitutional question arises as to the validity of a provision which attempts to put the Government in an advantageous position as the result of a seizure in

violation of constitutional guarantees; but aside from that, and as a matter of principle, the Government, by violating the constitutional rights of the citizen, should not be placed in a better position than it otherwise would be in. In the long run, nothing will be gained for the cause of law enforcement by such means.

In the other respects in which Senator Howell's bill differs from that prepared in this department, I see no reason to take any exception to what his bill contains.

### State-Wide Referenda Since 1919

*Continued from page 69*

intoxicating, as determined in accordance with the laws of the respective States?" 840,631, for; 556,592, against; 284,039, majority for. (Official figures.)

#### Massachusetts

1928—November 6, A question of public policy, "Shall the Senator from this district be instructed to vote for a resolution requesting Congress to take action for the repeal of the Eighteenth Amendment to the Constitution of the United States, known as the Prohibition Amendment?" 707,352, for; 422,475, against; 284,877, majority for. (Official figures.)

1,440,251, total votes cast in the state; 1,129,827, total votes on repeal; 310,424, number of voters who did not express themselves on the repeal. (Official figures.)

#### Nevada

1926—November 2, Resolution calling on Congress to call a Constitutional Convention to amend the Eighteenth Amendment, 13,554, for; 5,963, against; 7,591, majority for. (Official figures.)

#### New York

1926—November 2, Question submitted by the Legislature:

"Should the Congress of the United States modify the Federal Act to enforce the Eighteenth Amendment to the Constitution of the United States so that the same shall

not prohibit the manufacture, sale, transportation, importation or exportation of beverages which are not in fact intoxicating, as determined in accordance with the laws of the respective States?" 1,763,070, for; 598,484, against; 1,164,586, majority for. (Official figures.)

Note: There were 546,236 blank or void votes.

#### Wisconsin

1926—November 2, Referendum on the following question:

"Shall the Congress of the United States amend the Volstead Act so as to authorize the manufacture and sale of beer for beverage purposes, of an alcoholic percentage of 2.75% by weight, under government supervision, but with the provision that no beverage so purchased shall be drunk on the premises where obtained." 349,443, for; 177,602, against; 171,871, majority for. (Official figures.)

1929—April 2, Referendum on the following question: "Shall the State Prohibition Enforcement Act, generally known as the Severson Act, be repealed?" 338,642, for; 196,402, against; 142,240, majority for. (Official figures.)

1929—April 2, Referendum on the following question:

"Shall the State Prohibition Enforcement Act, generally known as the Severson Act, be amended so the State shall not arrest or fine anyone for manufacture, sale, or possession of beer of not more than 2.75% alcohol by weight?" 321,688, for; 200,545, against; 121,143, majority for. (Official figures.)—*Extracts, see 2, p. 96.*

### Sources from Which Material in This Number Is Taken

*Articles for which no source is given have been specially prepared for this number of THE CONGRESSIONAL DIGEST*

1. Compiled by the Legal Department, Anti-Saloon League of America.
2. State-Wide Referenda on the Liquor Question, Compiled by the Legal Department, Anti-Saloon League of America.
3. Committee Reports, February 3, 1930.
4. Congressional Record, February 6, 1930.

5. Individual Minority Report, February 3, 1930.
6. Congressional Record, January 29, 1930.
7. Congressional Record, January 22, 1930.
8. Congressional Record, February 15, 1930.
9. Congressional Record, February 7, 1930.
10. Press Statement, February 12, 1930.
11. Fox Movietone News Statement, February 14, 1930.

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